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## **The Darien Scheme and the Union of 1707 between Scotland and England**

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## **Abstract / Abstrakt**

This thesis explores Scottish attempts at colonisation, mainly the ill-fated Darien Scheme at the turn of the 18<sup>th</sup> century, and the influence this had on the subsequent Union with England in 1707. The historical contexts of both these events are looked at briefly, before a detailed analysis of Scotland's Central American ambitions and the Union is carried out. The Scots' reasons for wanting to unify with their more powerful southern neighbour, were largely economic, whereas English desire for union largely stemmed from the French military threat and the need to secure the Hanoverian succession. However, constitutional difficulties, which originated after the Union of the Crowns in 1603, had made British politics increasingly fraught and complicated throughout the 17<sup>th</sup> century. Therefore, I am left to conclude that although the scheme's failure acted as a catalyst for union, it was not essential as some kind of agreement would have had to be found regardless.

Die vorliegende Arbeit befasst sich mit den schottischen Kolonisationsversuchen, besonders mit dem im 18. Jahrhundert fehlgeschlagenen Darien Projekt, und deren Einfluss auf die anschließende Vereinigung mit England im Jahr 1707. Zunächst wird ein kurzer Überblick über den historischen Kontext beider Ereignisse gegeben, gefolgt von einer ausführlichen Analyse sowohl der schottischen Ambitionen in Mittelamerika als auch der Union mit England. Die Schotten wollten hauptsächlich aus finanziellen Gründen mit ihren mächtigeren südlicheren Nachbarn vereinen. Die Engländer hingegen entschieden sich für die Vereinigung wegen der militärischen Bedrohung durch Frankreich bzw. der unbedingten Notwendigkeit, die hannoversche Thronfolge abzusichern. Nach der Union der Kronen im Jahr 1603 entstanden jedoch verfassungsmäßigen Schwierigkeiten, die die damalige britische Politik das ganze Jahrhundert hindurch zunehmend belasteten. Daraus lässt sich schließen, dass der Misserfolg des Darien Projektes zwar ein Katalysator für die Vereinigung war, seine Rolle jedoch eine untergeordnete, da in jedem Fall irgendeine Vereinbarung notwendig geworden wäre.

## Preface

As a native of the British Isles with both Scottish and English heritage, I have always been fascinated by the topic of the Anglo-Scottish Union in 1707, as it is one of the defining moments in both countries' histories. It is for this reason that I endeavoured to write my master's thesis on this subject, yet I also wanted to enhance my knowledge of Britain's history in order to better understand the present. Furthermore, the failure of the Darien Scheme was a time of extreme difficulty for Scotland, although the Union a few years later is often viewed as a turning point in Scottish fortunes. This made for an interesting contrast, hence I decided to look at the scheme in detail since it juxtaposes the success of Union with the failure of Darien.

At the time of writing, devolved Scotland is governed by a pro-independence party, the Scottish National Party, and it is expected to hold a referendum on leaving the rest of the UK sometime in 2010. Although the likelihood of Scots voting for complete independence is rather low, the fact that the question is being asked at all is testament to the changes that Scotland, as well as the rest of the UK, have undergone in recent years, with Wales and Northern Ireland also having a degree of autonomy after the devolution process a decade ago.

Moreover, as an avid follower of current affairs, it was somewhat bemusing when the British Prime Minister, Gordon Brown - himself a Scot - called for a British public holiday in order to instil a sense of Britishness in citizens. It was also a little amusing when he claimed he would be supporting England in the World Cup, which the vast majority of Scots would never dream of doing. However, given that over 80% of the British population is English, it is not surprising that leading 'foreign' politicians attempt to appease the often hostile attitudes with which they are faced.

Nevertheless, since some feel it is necessary to celebrate being British to create an artificial sense of togetherness, even though most Britons tend to feel more Scottish, Welsh, Irish, and increasingly English, it begs the question of whether the United Kingdom will continue to exist in its current form. I have noticed in my short lifetime that in England, the Union Flag is increasingly being replaced by the St. George's Cross, whereas in Scotland and Wales, the St. Andrew's Cross and the Red Dragon have always taken precedence. The reasons for this tendency are manifold, although it seems that as the EU increases in importance and Europe integrates further, the nation states' *raison d'être* are diminishing. The current plight in Belgian politics, where Flanders and

Wallonia are now more or less separate countries, is another European example of this. What this holds for the future is difficult to tell, although it seems that we are heading towards more devolved regions within Europe, as opposed to stronger nation state centralisation.

Many proponents of Scottish independence cite the discovery of North Sea oil off the Scottish coast as a valid reason to secede, given that the income gained from the oil flows into the British Treasury's coffers and not to Scotland. Furthermore, decisions taken in London in Britain's national interest are not automatically in Scotland's interests, as the North Sea oil issue demonstrates. Nonetheless, this issue effects not only Scotland, but of course the rest of the UK as well, and so who is to say that the other British nations do not wish to change the constitutional arrangement that binds them all? These questions seem to be on the lips of many reformists at the moment, who wish to see a change in the British constitution and possibly the breakup of the UK. As Linda Colley surmised: "As an invented nation heavily dependent for its *raison d'être* on a broadly Protestant culture, on the threat and tonic of recurrent war, particularly war with France, and on the triumphs, profits and Otherness represented by a massive overseas empire, Britain is bound now to be under extreme pressure...it has had to adjust to the loss of its empire... Protestantism is now only a residual part of its culture... [and] now that it is part of the European Economic Community, Great Britain can no longer comfortably define itself against the European powers at all."<sup>1</sup>

Finally, on the issue of Scottish independence, I would like to say that I am to all intents and purposes a supporter of it, although not for some outdated, idealistic notion concerning nationalism. Scotland and England have been united since 1707 and for the almost all of that time, it has been a marriage of convenience. Like Colley, I find it difficult to pinpoint the UK's reason for being, especially considering the increasing importance of the EU, leaving me to question the ability of politicians to keep Britain together. Having said that, I find little point in creating yet another nation state within the EU, especially as these states are becoming ever more integrated and unified. Nevertheless, I believe it would be in Scotland's best interests to decide its own foreign, defence, and economic policies - which may or may not benefit the rest of the UK as well - simply because I see local government as being more effective. However, this is a matter of opinion and I doubt that these changes will occur anytime soon.

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<sup>1</sup> Linda Colley, *Britons: Forging the Nation 1707 – 1837* (London 2003) 6 - 7.

## Introduction

“...the Union of 1707, which brought together two sovereign kingdoms with their own representative assemblies, established churches and legal systems, was accomplished through an international treaty. The treaty was negotiated and concluded in the midst of a war being waged in Europe and the Americas. Commercial, no less than constitutional relationships were to be resolved. Thus, the Union of 1707 had not only transatlantic but transoceanic ramifications that ranged from the balance of power to the balance of trade.”<sup>2</sup>

The first time this thesis was presented to my peers at the University of Vienna, one of my colleagues asked what the topic had to do with global history, since it did not involve any global interactions and did not have many major consequences outside of the British Isles. I was somewhat taken aback and was not sure how to respond until a professor stepped in and supported my assertion that the creation of the United Kingdom of Great Britain, the nation that went on to dominate world affairs in the form of the British Empire, could not have more to do with global history. The epigraph above was chosen as a reminder, both to myself and the reader, of the consequences of the Acts of Union in 1707, as well as the manifold interpretations that one can have regarding what constitutes global history.

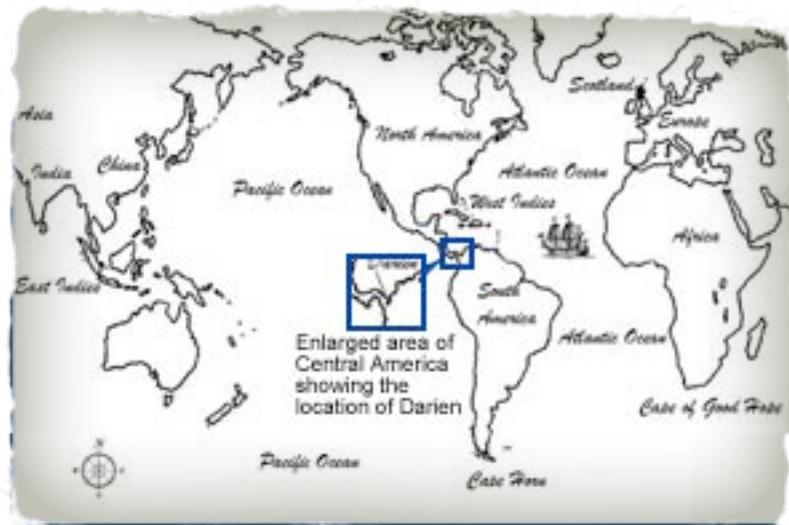
To the layman, scholarly works on the Scottish colonisation of the Americas may seem a rather odd topic, largely because not much came of the attempts and so little was left behind that shows they had any lasting influence. Furthermore, even if one is well-informed about the history of Scotland or the Americas, it may be assumed or believed that the majority of history books on Scottish colonisation concentrate on the mass migration of Scots to the New World between the 18<sup>th</sup> and 20<sup>th</sup> centuries, or Scotland as part of the United Kingdom and British Empire. However, there was a concerted effort by the Scottish Parliament and people, before the Union in 1707, to stake a claim to land in the New World and reap some of the rewards that other European nations had received in the previous two centuries. This thesis will explore these Scottish attempts at colonisation, especially the ill-fated Darien Scheme - the plan to form a colony on the Isthmus of Panama in the late 17th century - and seek to show how and why the Scots failed, where the English, amongst others, succeeded.

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<sup>2</sup> Allan I. Macinnes, *Union and Empire: The Making of the United Kingdom in 1707* (Cambridge 2007) 6.



*A map showing the location of Darien<sup>3</sup>*



It will also look at the consequences of failure for Scotland and explore the influence the Darien disaster had on the Union with England, which took place just a few years after it had become clear all had been lost. Was the Darien Scheme's failure essential to the Union or was it simply a catalyst for the inevitable?

The Union with England in 1707 will also be discussed in detail, with much of this thesis concerning itself with the manifold factors that enabled it to take place. I hope to ascertain just how important the Darien Scheme's failure was to the creation of the Union and whether or not it would have taken place if Scottish attempts at colonisation had been successful.

The conclusion, as well as summarising the years up to the Union, will also briefly analyse the effects the Union had on Scotland, including the two Jacobite Rebellions in 1715 and 1745. British historians have long known that the years immediately following Union were not particularly great for Scotland and that tangible benefits were not seen until the middle of the 18<sup>th</sup> century. This is partially seen as the reason why support for the Jacobites - who wished to return the Stuart dynasty to the British throne - was high in this period, or why many Scots were indifferent. The Hanoverian succession in 1714 ensured that the British throne remained in Protestant hands, which irked many Highlanders who saw the Catholic Stuarts as the rightful heirs.

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<sup>3</sup> [http://www.rbs.co.uk/Group\\_Information/Memory\\_Bank/Our\\_Teaching\\_Resources/The\\_Teaching\\_Resources/The\\_Darien\\_Adventure/National\\_Curriculum/illust\\_hist.htm](http://www.rbs.co.uk/Group_Information/Memory_Bank/Our_Teaching_Resources/The_Teaching_Resources/The_Darien_Adventure/National_Curriculum/illust_hist.htm)

This thesis is organised chronologically, therefore I will firstly give some historical context. This means that in Chapter 1.1, I will discuss previous attempts at union, as well as the Union of the Crowns in 1603, before moving on to the middle of the 17<sup>th</sup> century and the enforced Cromwellian union. The Union of the Crowns - when the Scottish king, James VI, inherited the English throne and therefore also became James I of England - heralded a new era for 'Britain' as it meant that both kingdoms shared the same monarch. However, it was the start of a difficult century for both nations as antagonisms increased and interests became vested. The Wars of the Three Kingdoms, which left Oliver Cromwell in charge of the whole of the British Isles, led Scotland into an enforced incorporating commonwealth, although it lasted just a few years.

The Revolution of 1688, or the "Glorious Revolution" - when the Catholic king, James II, was deposed by Parliament and the Protestant Dutch Stadholder, William of Orange - had major implications both north and south of the border as the consequences were to be felt throughout the troubled decade of the 1690s and beyond. These events will be analysed in Chapters 1.2 and 1.3 as it is important to understand the state that Scotland was in towards the end of the 17<sup>th</sup> century, so that the reasons for investing huge sums of money in the Darien Scheme can be more easily understood. What led much of the elite, as well as ordinary citizens, to invest their savings in such a risky venture? And what of the other colonies in North America - such as Nova Scotia and New Jersey - that Scotland had founded in the earlier part of the 17<sup>th</sup> century? Had they not given the Scots a blueprint to follow? I will also take a look at the English Empire and how it had affected Scotland in the lead up to the endeavour and if its success had anything to do with Scottish ambitions.

These questions will be looked at in Chapters 2.1 - 2.7, which will analyse the Darien Scheme itself, discussing exactly what the plan was and how it would transform Scotland into a great trading nation. Whose idea was it, how was everything organised and why was Darien chosen in the first place? Were there not more suitable regions that could have been colonised with a more realistic chance of success?

This will then lead me to the first expedition from 1698-1699 and the experiences of those who actually set sail to Panama (Chapters 2.8 - 2.13). What did they expect to find when they got there and what did they really discover? Spain had already claimed Darien for itself and so fighting inevitably broke out between the two European nations. I will also take a look at Scottish attempts to trade with the indigenous populations of

Darien, as well as with other Europeans, which will lead me to King William's trade embargo - which prevented any English colonies trading with, or even assisting, the Scots - and its effect on the failure of the colony.

Having looked at the first expedition, Chapter 2.14 will discuss the second one from 1699-1700 and establish if it could have fared any better than it did. An interesting point to consider here will be why news of the disaster that had befallen the first expedition had not reached Scotland before the second one set sail.

I will then discuss the consequences of the colony's failure for both Scotland and Darien itself. What became of the indigenous peoples who lived on the island and how much did the financial ruin that the disaster wrought on Scotland have to do with Scotland agreeing to form a union with England just a few years later?

Chapter 3 will be a detailed discussion of the Union and the variety of reasons that caused it, the Darien disaster being one of them. It will begin by discussing the problem of succession which was a major reason for England actively seeking union (Chapter 3.1). After the Glorious Revolution, there still remained the question of who would succeed the future Queen Anne as the monarch. The English Parliament had decided on the House of Hanover as they were the next Protestants in line, although that meant disqualifying over fifty Catholics who were closer in line to the throne. The Scottish Parliament saw this unilateral decision as a snub and thus failed to tow the line, eventually passing an Act that meant Scotland and England would in future no longer share the same monarch. The English hit back, using economic restrictions to try and force the Scots to follow suit. But why had it come so far and why had both sides not been able to come to a suitable agreement beforehand, especially during the failed union negotiations in 1702-1703 (Chapters 3.2 - 3.3)?

The Union itself, from the announcement that negotiations would take place, through to the agreement on the 25 Articles, the ratification process and, finally, the coming into effect of the Union on 1<sup>st</sup> May 1707, will be discussed at length in Chapters 3.4 - 3.9, including the various amendments that had to be made to the original Treaty. Was the Union simply the result of Scottish desires to have trading access to English colonies with the English wishing to secure the succession and its borders, or was it more complicated than that?

My conclusion will bring all of these points together and will attempt to give some clarity to particularly muddled waters. In short, I believe that union was bound to

happen eventually as both sides increasingly saw the need for it. However, it was at the time a “marriage of convenience” more than of desire which begs the question of what the future will hold. The failure of the Darien Scheme was in all probability a catalyst for union as it further increased Scotland’s need for it. Had it been successful, the Scots would not have been so willing to give up sovereignty as their economy would have at least been reasonably prosperous. Nevertheless, the antagonistic relationship that had existed with England for so long could not have continued in the same form for much longer and so some form of agreement had to be reached eventually. For England, an incorporating union was preferable to a federal one because the wars with France required it to make sure that Scotland was on its side and under control.

Finally, the success of the British Empire is testament to the achievement of what was effectively an international treaty, with both Scotland and England benefitting enormously. Despite the failure of Darien, Scots went on to greatly impact the New World as part of the British Empire, with the *East India Company* being at least half-Scottish in the 1750s, despite Scotland’s population making up just a tenth of the British Isle’s.<sup>4</sup>

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<sup>4</sup> Niall Ferguson, *Empire. How Britain made the modern world* (London 2003) 45.

# 1 Historical Contexts

“The impact of the Union on England was superficial; and because it was superficial there, its wider significance is too little studied by our Anglocentric students of history. But in Scotland it was a far more fundamental change...it was in fact the beginning of a radical and permanent change: the opening up of a closed society, a social transformation, a revolution.”<sup>5</sup>

British Unionists see the formation and continuation of an Anglo-Scottish union as mutually beneficial, and if they were to be believed, as the aforementioned epigraph by Hugh Trevor-Roper shows, for many Scots, the Union with England in 1707 is the defining moment of their history, changing the country's course irrevocably and arguably putting it on one for the future. For England, however, passing the Act of Union was just another step in a history of expansion which enabled further expansion in the form of the British Empire to take place. However, modern Scottish nationalists, who strive for an independent Scotland in the belief that it would be of greater benefit to Scots, take a different point of view, arguing that Union was and is “an imposition which the Scottish Parliament was brought to accept by the carrot of bribery and the stick of military force.”<sup>6</sup> To quote Neil Davidson: “The British Unionist and Scottish Nationalist positions can be summarised as follows. The former celebrates the Union as a gift which Scottish leaders wisely accepted on behalf of a nation that has never subsequently wished to reject it. The latter denounces the Union as a trap into which an unrepresentative oligarchy led a Scottish people who have never subsequently found the will to escape.”<sup>7</sup>

Notwithstanding these differences of opinion, this chapter will look at the events leading up to the Union, the problems that it posed and the solutions that were found. Why did the Scottish Parliament accept the Union and therefore the loss of its sovereignty? And why was England willing to incorporate a much poorer country into its system of governance, especially considering the number of concessions that were granted to Scotland? These questions are of central importance to this thesis; however, I shall begin with a brief history of previous attempts at union.

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<sup>5</sup> Hugh Trevor-Roper, *From Counter-Reformation to Glorious Revolution* (Chicago 1992) 296-297.

<sup>6</sup> Paul Henderson Scott, “Why did the Scots accept the Union?” in *Scottish Affairs* 1 (Autumn 1992) 126.

<sup>7</sup> Neil Davidson, *Discovering the Scottish Revolution: 1692 - 1746* (London 2003) 3.

## 1.1 Previous Attempts at Union

Mel Gibson's 1995 film *Braveheart* depicts the Wars of Scottish Independence in typical Hollywood fashion, romanticising and sensationalising the 13<sup>th</sup> and 14<sup>th</sup> centuries' events as well as drawing a clear line between good and evil. Of course in reality, such black and white imagery rarely exists as history usually paints a grey picture. Nevertheless, the historical events that this film attempts to portray could be seen as the first attempt at Anglo-Scottish union, although some may claim that Athelstan the Glorious had already succeeded in subduing Constantine II, King of Scots, in the 10<sup>th</sup> century, meaning that a successful conquest of Scotland had already been carried out. Nevertheless, the relationship between Scotland and England continued much in the same vain for the following centuries, with border regions of Scotland under occupation for long stretches of time, especially during the 15<sup>th</sup> century. In the 16<sup>th</sup> century, "Scotland was faced with a renewed threat of conquest and occupation, particularly during the 1540s and 1550s. On the other hand, the 'Rough Wooing' opened up the prospect of not only a regal but also an institutional union should the future Edward VI of England marry Mary, Queen of Scots."<sup>8</sup>

### 1.1.1 The Union of the Crowns: 1603

However, it was not until the 17<sup>th</sup> century - after James VI of Scotland inherited the English crown in 1603, thus also becoming James I of England - that a peaceful attempt at union was undertaken. James' mother, Mary, Queen of Scots, had already had the idea but was never able to realise her ambition. Nevertheless, according to J. R. Seeley, "internal union of the three kingdoms [England, Scotland and Ireland], which, though technically it was not completed until much later, may be said to be substantially the work of the seventeenth century and the Stewart [Stuart] dynasty."<sup>9</sup>

It is not surprising that James wanted to fulfil his mother's wish and shortly after being proclaimed King of England set about turning the personal Union of the Crowns into a 'perfect' union - a single and unified state with one parliament. One of James' main arguments for union was that of body politic - the idea that the king's body represented union and that through him, Scotland and England were unequivocally one. Alex Garganigo said that "the body politic trope was a staple of the arguments for Union

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<sup>8</sup> Macinness, *Union and Empire*, 53.

<sup>9</sup> John Robert Seely, *The Expansion of England: Two Courses of Lectures* (Charleston 2008 [1906]) 18.

both in James's speeches to Parliament from 1604 to 1607 and in the spate of tracts that appeared in 1604 and afterwards."<sup>10</sup>

Nonetheless, despite James achieving a dynastic union of Scotland and England, "the total parliamentary failure, between 1604 and 1607, of a legislative programme of Union"<sup>11</sup> shows how difficult a perfect union would be to attain. Instead, according to Cuddy, "the king had to make do with limited judicial and prerogative measures, effecting a mere dynastic association of the two still separate kingdoms."<sup>12</sup> It could be argued, then, that James did not achieve particularly much with regards to union, simply because it was the result of dynastic succession, not a master plan to unify the kingdoms. When it came to actually enacting legislature that might have changed something, James was thwarted by both the English and Scottish parliaments, both of whom feared for their existence. However, on the other hand, James succeeded in organising his court so as to satisfy both his Scottish and English subjects, not an easy task considering the various pitfalls that had to be avoided. Even before he had left Edinburgh for London, the "future king of England unilaterally began to divide his entourage evenly between the two nations".<sup>13</sup>

What were the reasons for both the Scottish and English parliaments feeling sceptical about 'perfect' union? The Union of the Crowns "did not unite the laws, political institutions, or churches of the two kingdoms and did not therefore create a united kingdom, a united British state, or a single British nation"<sup>14</sup> which implies that the parliaments, despite seeming satisfied with dynastic union, wanted to prevent any further integration. However, it seems that James moved far too quickly for both nations, attempting to banish centuries of rivalry overnight, with both sides still feeling wary of each other. Furthermore, the English parliament was afraid of losing some of its ancient liberties as Scotland had a more absolutist monarchical structure than England, meaning that any attempt that James made to unify the two, may have led to a Scoticism of England. As Alex Garganigo pointed out: "Many English MPs objected to any sort of union on the grounds that it would somehow allow England to be absorbed

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<sup>10</sup> Alex Garganigo, "'Coriolanus', the Union Controversy, and Access to the Royal Person" in *Studies in English Literature, 1500-1900* 42/2, Tudor and Stuart Drama (Spring 2002) 337.

<sup>11</sup> Neil Cuddy, "Anglo-Scottish Union and the Court of James I, 1603 - 1625: The Alexander Prize Essay Proxime Accessit" in *Transactions of the Royal Historical Society* 5/39 (1989) 107.

<sup>12</sup> Cuddy, *Anglo-Scottish Union*, 107.

<sup>13</sup> *Ibid.*, 109.

<sup>14</sup> Brian P. Levack, *The Formation of the British State* (Oxford 1987) 1.

by Scotland. For them, the least objectionable plan would have been the opposite: England absorbing Scotland by replacing Scottish laws and courts with English ones and (possibly) allowing a few Scottish members into its parliament. Yet even this was a hard sell for those who imagined Scots, like those already in James's entourage at Whitehall, flooding over the border and grabbing English offices and lands. If there were to be any union at all, it would have to be an absorption or 'incorporation,' an Anglicization of Scots."<sup>15</sup>

Scottish objections to union centred on the dilution of power that it would bring, with many seeing the incorporation of Wales into England less than a century before, as well as the so-called 'Kingdom' of Ireland, as bad omens. Both these Celtic nations had undergone various forms of Anglicisation - such as the imposition of the English language and culture, which coincided with the subjugation of traditional Celtic ways of life - and were effectively ruled from London. This suggests that James was ahead of his time in this respect, with both England's and Scotland's parliaments ready to accept union just a hundred years later. However, the English Parliament "essentially put an end to any possibility of Union in 1607 by insisting on a "perfect" and immediate union of parliaments, laws, and everything else: it was to be all or nothing, and Parliament succeeded in getting the nothing it really desired."<sup>16</sup>

After attempting to overcome the constant setbacks inflicted by the English Parliament, James gave up on his attempt to enact a perfect union and instead designed various symbols of union, such as coats of arms, despite it being non-existent.

### *1.1.2 Cromwellian Conquest: 1651*

The next major step in forming a union came in the middle of the 17<sup>th</sup> century, when the Wars of the Three Kingdoms completely changed the political outlook of Britain. In Scotland, the upheaval began with religious discontent, firstly with James VI and I, and later with his son, Charles I, who had both tried to enforce Anglican practices on Scottish Churches. Matters came to a head when Charles tried to force the Book of Common Prayer - an Anglican prayer book - on Presbyterian Scotland. Quite understandably, revolt ensued, and in the battles that followed, Charles was defeated by the Covenanters - a powerful Presbyterian group that advocated and briefly installed

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<sup>15</sup> Garganigo, *Coriolanus*, 337-338.

<sup>16</sup> *Ibid.*, 338



church government in Scotland and “who regarded themselves as God's chosen people”<sup>17</sup> - leaving his power in Scotland more or less non-existent. In 1640, the Scottish “Parliament met, defying the king’s order for prorogation, and the dismantling of the king’s civil powers began; a Triennial Act was passed, the clerical estate in parliament abolished, the committee of the Articles put into abeyance, the Acts of the Glasgow assembly, already confirmed in the Edinburgh assembly of 1639, ratified, and the government of the country put into the hands of a committee of the estates. The revolution was complete. It provided a model for the king’s English opponents if they wanted to follow it.”<sup>18</sup>

*Riot against the Anglican Prayer Book (1637)*<sup>19</sup>



In England, Charles I (r. 1625 - 1649) wanted to fulfil his father’s ambition of uniting the three kingdoms, albeit more in order to assert his authority in each of them than because of any grand design. This once again incurred the wrath of Parliament,

<sup>17</sup> Ibid., 411.

<sup>18</sup> Jenny Wormald, “Confidence and Perplexity: The Seventeenth Century” in *Scotland: A History*, ed. Jenny Wormald (Oxford 2005) 159.

<sup>19</sup> [http://en.wikipedia.org/wiki/File:Riot\\_against\\_Anglican\\_prayer\\_book\\_1637.jpg](http://en.wikipedia.org/wiki/File:Riot_against_Anglican_prayer_book_1637.jpg)

which feared the loss of old English traditions which kept the monarchy in check. The fact that Charles felt he ruled as a 'divine king' - deriving his right to rule directly from God and in so doing, holding absolute power - worried Parliament as it meant that Charles believed he was not subject to any earthly authority. This was exacerbated by Charles' 'eleven years' tyranny', during which he failed to call a single Parliament, choosing instead to rule personally. As David Cressy points out: "The king offended most of his major constituencies, leaving him by 1640 friendless and isolated. He upset the parliamentary classes by governing without them; he offended the gentry with forest laws and with fines in distraint of knighthood; he upset the wealthy by dunning them for Ship Money; he frightened staunch Protestants by his embrace of Arminianism and his embrace of Henrietta Maria [his Catholic wife]; and he drove the Scots into rebellion by attempting to force upon them an alien ceremonial prayer book."<sup>20</sup>

Charles I was not revered by many of his subjects and his inability to appease his opponents led to the English Civil War, where his Royalist forces were eventually defeated by the Parliamentarians in 1648, partially with the help of the ruling Scottish Covenanters - strict, conservative adherents of Presbyterianism. However, despite initially being allies, the execution of Charles I on 30<sup>th</sup> January 1649 led to the Covenanters feeling they had no choice but to crown Charles II as the rightful heir to the throne, especially as they could now have what they had always wanted; a covenanted king who would impose Presbyterian church rule across Britain. However, instead of simply instating Charles as the Scottish king - which Cromwell would most likely have accepted since it would not have impinged on his English Commonwealth - the Scots, as well as Charles, insisted that he was the British king. To a large extent, Cromwell was only concerned with England's welfare, and what the Scots did in their own country was their prerogative. The Covenanters, on the other hand, had higher ambitions than simply securing Scotland's Presbyterian future, but wanted to spread their religion to all corners of the British Isles, seeing the followers of other religions as misguided and damned. Charles II did not agree with the Covenanters but was shrewd enough to realise that pragmatism was more likely to deliver the crown than anything else. Nonetheless, Cromwell rightfully saw Charles II's coronation as a danger to his English Commonwealth and so gave the Scots an ultimatum - get rid of the king or face invasion.

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<sup>20</sup> David Cressy, "Conflict, Consensus, and the Willingness to Wink: The Erosion of Community in Charles I's England" in *The Huntington Library Quarterly* 61/2 (1998): 131-149, 147.

The Scots refused, and in September 1651, Oliver Cromwell's English Parliamentary forces defeated the Scots who were then "forcibly incorporated into the Commonwealth of England"<sup>21</sup>, spelling the end for the Covenanting regime and its schemes to unify the three kingdoms in a 'Godly Britannic' state.

From 1651, as part of the Commonwealth of England (later the Protectorate), "military rule was imposed...and a series of forts [were] set up throughout the country".<sup>22</sup> But what did this mean for union? The Scottish Parliament was suppressed and the commissioners who 'represented' it in Westminster were not able to effect any real change, despite the Cromwellian union being an uneasy one. It had been imposed both in Scotland and Ireland "largely to ensure that these realms should have no power over the settlement of a dispute the English were having with themselves".<sup>23</sup> However, in 1658 Cromwell died and his ill-equipped son Richard took over, leaving the crumbling Commonwealth with a power vacuum. As no revolutionary settlement seemed forthcoming, Charles II duly stepped forward and was restored in 1660 as the rightful king, being crowned a year later. For Scotland, according to John Pocock, "the willingness of the aristocracy to consider episcopacy as a means of controlling the clergy open[ed] a road to Erastianism and Enlightenment".<sup>24</sup> Erastianism was the doctrine that the state should have supremacy over the Church in ecclesiastical matters, and so this could be seen as the beginnings of modern society north of the border. Nonetheless, now that the interregnum was over, Scotland and England went their own ways, but it was not to be long before talk of union was on the cards again.

There were further attempts at union later in the 17<sup>th</sup> century, although these were often proposed by Scots who were trying to better the constitutional arrangement between Scotland and England. Scots were suffering under the strains that the Union of the Crowns had brought as the monarch and parliament fought for supremacy. Moreover, the conflict of interests that the king had in being the ruler of two independent countries, each with differing and sometimes conflicting interests, was generally detrimental to Scotland because it was the smaller, less powerful nation.

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<sup>21</sup> John Robertson, "An Elusive Sovereignty: The Course of the Union Debate in Scotland 1698 - 1707" in *A Union for Empire: Political Thought and the British Union of 1707*, ed. John Robertson (Cambridge 1995) 198 - 227, 199.

<sup>22</sup> Jenny Wormald, "Confidence and Perplexity: The Seventeenth Century" in *Scotland: A History*, ed. Jenny Wormald (Oxford 2005) 162.

<sup>23</sup> J. G. A. Pocock, "The Union in British History" *Transactions of the Royal Historical Society*, 6/10 (2000) 181-196, 185.

<sup>24</sup> *Ibid.*, 185

Needless to say, these attempts did not get very far, often because of the English Parliament's unwillingness to form a union.

### **1.2 The Glorious Revolution of 1688**

The Glorious Revolution occurred in 1688, when, after just 3 years of rule, the Catholic King James VII and II was deposed in favour of a Protestant Dutch Stadholder, William of Orange, who became William III in England and William II in Scotland. This was a significant period in British politics and was to have profound effects on the form of union that was to take place less than 20 years later. It marked the end of the Stuart Monarchy, which had ruled Scotland since 1371, and paved the way for Protestant monarchs to rule Britain constitutionally, as opposed to the absolutist manner in which they had largely done until then.

James was deposed primarily for being a Catholic monarch in two predominantly Protestant countries, both of which were afraid of being forced to revert to Catholicism. "James's policy of political and religious despotism"<sup>25</sup> further alienated his subjects, especially parliament, which led to a breakdown of his authority towards the end of 1688. In Scotland, his "attempts to cajole, bribe, or threaten influential men into lending their support to Roman Catholic relief was without success. His personal policy of religious oppression and arbitrary rule progressively alienated politically important segments of his Protestant kingdom so that by 1688, despite their differences and personal rivalries, they coalesced to a degree that left the king virtually isolated in Scotland."<sup>26</sup>

Despite opponents' attempts to prevent the openly devout Catholic from taking the crown, the law of succession meant that James inherited the throne in 1685. Initially, James insisted that despite his beliefs, he only wished to enact laws that would enable Catholics to be tolerated in governmental and public life. However, many suspected him of planning to install Catholicism as the state religion in all of his realms, and after dissolving parliament and ruling by decree, more and more of his government appointees were Catholic, increasing already high consternation of him. As Charles Mullet points out, "the appointment of Catholics to high places in the state and universities, and the attacks on bishops, boroughs, and lords-lieutenant repeatedly

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<sup>25</sup> Robert Paul Barnes, "Scotland and the Glorious Revolution of 1688" in *Albion: A Quarterly Journal Concerned with British Studies* 3/3 (Autumn 1971) 116-127, 116.

<sup>26</sup> *Ibid.*, 116.

showed the royal purpose, and the birth of the young prince presaged a future of the same sort, men were willing to move.”<sup>27</sup>

As the previous quote shows, the birth of a healthy baby boy in June 1688 increased tensions still further, as up until that point it had been hoped that one of James’ Protestant daughters, Anne or Mary, would succeed him. However, now that he had a Catholic son as an heir, what previously seemed like a temporary Catholic monarch, turned into a more permanent state of affairs. This was the catalyst for action and so James’ leading opponents in Parliament invited William of Orange, James’ son-in-law, to invade and take over the crown. This he duly did in November 1688, with James fleeing to France shortly after, with William “intending to bring the Three Kingdoms into his anti-French alliance”.<sup>28</sup> For William then, accepting the three crowns was subject to them assisting him in his wars against Louis XIV and so it was not long before they were required to take part in these continental wars.

But what else did the replacing of a Catholic monarch with a Protestant one actually change? William was crowned in England early in 1689 after agreeing to the *Bill of Rights* - a parliamentary bill setting out the role any future monarch should play. This document laid the foundation for Britain’s modern constitutional monarchy, although in Scotland it took a little longer to finalise matters. North of the border, the *Claim of Rights* was the Scottish equivalent of the *Bill of Rights*, but it was slightly more radical than its English counterpart as it “stressed the fundamental, contractual nature of the Scottish state by deposing James II rather than following the English fiction of abdication.”<sup>29</sup> This implied a contract between the king and his people, that if broken, could lead to him being legitimately deposed. Nevertheless, the fact of the matter was that the monarch could no longer rule absolutely; instead being obliged to call Parliament annually and seek acceptance of his policies. This was a major break with the past and was truly a revolutionary step.

However, despite the Revolution being largely bloodless and straightforward in England, in Scotland it was a different matter, “where the Scottish Convention, which came to be dominated by Whigs and Presbyterians, forged a Revolution settlement that

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<sup>27</sup> Charles F. Mullet, “Religion, Politics, and Oaths in the Glorious Revolution” in *The Review of Politics* 10/4 (October 1948) 462-474, 463.

<sup>28</sup> J. G. A. Pocock, “Empire, State and Confederation: the War of American Independence as a Crisis in Multiple Monarchy” in *A Union for Empire: Political Thought and the British Union of 1707*, ed. John Robertson (Cambridge 1995) 318-348, 325.

<sup>29</sup> Macinnes, *Union and Empire*, 87.

was much more radical than that adopted by the English.”<sup>30</sup> The basic idea was to free the Scottish Parliament from royal control and in so doing, isolate it from what happened in England. This was to form the basis of the political manoeuvring of the 1690s, even though William did not agree to abolish the Lords of the Articles - the committee which Scottish kings had previously used to control the Scottish Parliament - until after he had been crowned. Nevertheless, the Articles were eventually abolished and so Parliament had much more leeway than had previously been the case. The “unshackling of Court control over the Scottish Estates”<sup>31</sup> was to prove rather troublesome in the following decade, as it precipitated the many conflicts William was to have with it. The Darien Scheme is just one example of these conflicts.

Nevertheless, even though the short term problem of succession had been resolved, the long term solution remained a problem. As part of the revolutionary settlement, both the English and Scottish Parliaments had declared their future monarchs must not be Catholic, indicating that only Protestants could inherit the thrones. “Yet as strikingly important as the provisions that were made, were those that were not. By providing no further than for the passing of the crown to the heirs of William’s body, and for no contingent remainder beyond that, it was completely uncertain what principle of succession would apply in the event that Mary, Anne, and William were to die without surviving descendants.”<sup>32</sup> This would obviously leave no direct heir to the throne and therefore a succession crisis, which was exactly what happened a little over a decade later.

In the meantime, despite being forced to live in exile in France, James II had not given up hope of regaining his crown. The only way to do this would be an armed invasion, which, with the help of his Catholic French ally, Louis XIV, is what happened in 1690. However, the “military victory at the Battle of the Boyne settled the questions of land and religion in favor of the Protestants”.<sup>33</sup> Needless to say, James’ defeat spelt the end of his attempts to regain his throne and he died at Louis XIV’s palace in St. Germain in 1701.

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<sup>30</sup> Tim Harris, “The People, the Law, and the Constitution in Scotland and England: A Comparative Approach to the Glorious Revolution” in *The Journal of British Studies* 38/1 (January 1999) 28-58, 46.

<sup>31</sup> Macinnes, *Union and Empire*, 87.

<sup>32</sup> Howard Nenner, “Pretense and Pragmatism: The Response to Uncertainty in the Succession Crisis of 1689” in *The Revolution of 1688-1689: Changing Perspectives*, ed. Lois G. Schwoerer (Cambridge 1992): 83-94, 90.

<sup>33</sup> Lois G. Schwoerer, “Introduction” in *The Revolution of 1688-1689: Changing Perspectives*, ed. Lois G. Schwoerer (Cambridge 1992) 1-20, 18.

Nevertheless, the Jacobites - as supporters of the deposed James II and his descendants became known - remained a force to be reckoned with, particularly in the Scottish Highlands where Catholic clans had their strongholds. The massacre of Glencoe in 1692, when William's soldiers from the Campbell clan murdered men, women and children from the MacDonald clan, helped keep Jacobite sympathies alive as it was believed that the king himself had ordered the massacre. The chief of the MacDonald clan had been delayed in taking an oath of allegiance to William, which was just the excuse that was needed to send in royal forces. The next half century would be dominated by Jacobite attempts to restore the Stuarts to the throne, which despite numerous defeats, would not be completely extinguished until the Battle of Culloden in 1746.

### ***1.3 Troubled Times***

The revolutionary settlement had given the Scottish Parliament a certain degree of independence and it was largely beyond William's control, although that did not prevent him from trying to exert his influence over it. As the Scottish Parliament was no longer subordinate to the king, it met annually, even though the lack of royal control meant that proceedings were usually reduced to stalemates, with no common ground often being found. This left the king's Scottish ministers with an almost impossible task, meaning that trying to implement royal policy was becoming ever more futile.

At first, William tried to use lesser nobles to influence the Scottish parliament, as he was afraid more powerful nobles could eventually become too dominant. However, the lesser nobles were not particularly successful in controlling parliament, often engaging themselves in trivial rivalries instead. The king, eventually tired of this lack of action, decided to use the more powerful nobles instead, with the Dukes of Queensberry and Argyll respectively, as well as the Marquis of Tullibardine, being put in charge in 1696. In return for delivering a stronger pro-government following in Parliament, the nobles and their respective circles could expect to receive handsome grants, appointments, honours and pensions, in addition to various other inducements. Nevertheless, the powerful nobles fared no better than their lesser counterparts and within two years, Tullibardine was forced from office. As De Krey points out: "The political energies and leadership of the great Scottish magnates, with their anarchic and feudal rivalries and their surviving clientage systems, were not easily harnessed to the

needs of a wartime state. No matter who was brought into government, some rival with the potential of causing trouble was left out; and if too many grandees were brought into office, they paralysed government with their quarrels.”<sup>34</sup>

Nevertheless, this evident lack of success did not prevent Queensberry from later establishing himself as the King’s senior minister in Scotland, even though by the turn of the century, the disaster at Darien was becoming apparent, leaving his popularity at an all-time low. He was seen as the King’s poodle, who was only interested in his own well-being and not for that of his country, meaning his Court Party were only just able to hold onto power, in the face of ominous opposition in Parliament.

At the turn of the 18<sup>th</sup> century, the scale of anti-English sentiment was at an all-time high in Scotland. Increasing tensions between the two kingdoms had been exacerbated by numerous factors, one of the main ones being the Scots’ disastrous attempt at forming a colony in Central America, whose failure was blamed on William and the English by many north of the border.

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<sup>34</sup> Gary De Krey, *Restoration and Revolution in Britain: A Political History of the Era of Charles II and the Glorious Revolution* (Basingstoke 2007): 283.



## 2 The Darien Scheme

The Darien Scheme was an attempt by the Scottish government to form a colony in Central America in the late 17<sup>th</sup> century, thus benefiting the Scots who would own a trading post that traded with all nations. The following chapter will discuss this venture in detail, from the earliest stages of its planning until its disastrous end at the turn of the 18<sup>th</sup> century.

### 2.1 Scotland in the late 17<sup>th</sup> century

By the late 17<sup>th</sup> century, the Scottish and English economies had grown together and complemented each other in many respects, particularly regarding trade. The Treaty of Edinburgh in 1560 was an attempt by Parliament to end the Auld Alliance with France, with whom Scotland had been a close ally since the Wars of Scottish Independence in the late 13<sup>th</sup> and early 14<sup>th</sup> centuries. As already mentioned, trade was the key factor and its increase in the late 16<sup>th</sup> and 17<sup>th</sup> centuries led to “slow but definite economic growth”<sup>35</sup> in the poorer Scotland, despite the English Civil War in the mid-17<sup>th</sup> century leading to a temporary downturn in trade. Nevertheless, the Scots’ increasing economic prosperity was to cause problems for this relationship as Edinburgh was increasingly unwilling to play the role of junior partner and wanted to realise its own economic ambitions, which conflicted with English interests, especially in the fine cloth industry and trade with the English Plantations.<sup>36</sup>

Furthermore, because of the Union of the Crowns in 1603, when England went to war on the continent, Scotland also had to take part as they were the monarch’s subjects as well. These wars were often with Scotland’s best customers, which led to many to believe they were losing more than they were gaining from the dynastic union. This, coupled with English as well as Continental tariffs, led to demand for Scottish exports to steadily decline towards the end of the 17<sup>th</sup> century, leaving Scotland to look outside Europe for trading opportunities. As T. C. Smout concludes, Scottish pessimism could be seen as a little exaggerated, particularly since most of the difficulties Scotland was experiencing were short-term.<sup>37</sup> However, as the English Empire gradually became more

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<sup>35</sup> T. C. Smout “The Anglo-Scottish Union of 1707. The Economic Background.” *The Economic History Review* 16/3 (1964) 457.

<sup>36</sup> *Ibid.*, 458.

<sup>37</sup> *Ibid.*, 459

powerful, it became increasingly difficult to gain access to the lucrative North American market. Scottish merchants often stepped on English toes but theirs were subsequently stamped on soon after. The Union of the Crowns showed that there were “promises both of profit and tension in the situation from the start, but in the first half of the seventeenth century the relative harmony of economic legislation in London and Edinburgh, the absence of foreign war save the short conflicts with France and Spain in 1625-7 and then the general embroilment of the Civil Wars all helped to mask the difficulties of the settlement of 1603.”<sup>38</sup>

As mentioned above, this all began to change in the latter half of the 17<sup>th</sup> century, and it is from this standpoint that the Scottish government, which had been convinced of the idea by William Paterson - a Scottish trader and banker - decided to engage in its own empire building scheme by founding a colony at Darien, on the Isthmus of Panama in the hope of founding an entrepôt.<sup>39</sup>

## **2.2 Previous Scottish attempts at colonisation**

The 17<sup>th</sup> century had already seen a number of attempts at colonising in North America by Scottish settlers, although none were particularly successful, largely because they were “intermittently maintained, poorly resourced and small-scale compared to the English ventures”.<sup>40</sup> Nova Scotia, or New Scotland, was settled by Scots between 1629 – 1632, and was seen by contemporaries as a sign of the strength of the independent Scottish Kingdom - despite dynastic union with England - not as a negligible effort, as some scholars have alleged by claiming East Jersey was Scotland’s first American colony.<sup>41</sup> There had been two settlements in Nova Scotia, although the one on Cape Breton Island was destroyed by a French attack after just three months in September 1629. The more successful one at Port Royal lasted three years and enjoyed limited success until it was forced to evacuate in late 1632; not through failure but due to the Treaty of Suza, which had ended war between England and France. Under the terms of the treaty, Charles VI (and I) returned the settlement of Nova Scotia to France, thus leaving the settlers no choice but to leave.<sup>42</sup> As this episode shows, it was not unusual

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<sup>38</sup> Ibid., 457.

<sup>39</sup> Ibid., 458 – 459.

<sup>40</sup> Neil Davidson, *Discovering the Scottish Revolution: 1692 - 1746* (London 2003) 94.

<sup>41</sup> Ned C. Landsman, *Scotland and Its First American Colony, 1683-1765* (Princeton 1985).

<sup>42</sup> N. E. S. Griffiths and John G. Reid “New Evidence on New Scotland, 1629.” *The William and Mary Quarterly* 49/3 (July 1992) 501.

for the self-titled King of Great Britain to sacrifice Scottish interests for the sake of English ones, which led to much resentment amongst Scots, despite their initial jubilation at the Scottish king inheriting the English throne. It is with this in mind that we must look at further Scottish attempts at colonisation and the antagonism that existed between the two ancient kingdoms.

The next concerted effort at colonisation did not happen until the 1680s, when Scots took part in a joint scheme with England to colonise New Jersey, whereby the Scots would settle the eastern half and the English the western one. It was a largely Quaker-sponsored scheme<sup>43</sup>, and throughout the 1680s more than a thousand Scots journeyed across the Atlantic, although this number fell dramatically following 1690 after famine hit large parts of Scotland.<sup>44</sup> The Presbyterians followed in the Quakers' footsteps and set up their own rival colony in Stuart's Town, Carolina, in 1684, but this was wiped out by the Spanish just a few years later.<sup>45</sup> As these examples show, many of the colonisation efforts at the time centred on religious belief and many emigrants left their homeland in search of a better life or to enjoy freedom of religion. However, according to Ned Landsman: "[N]ot until the middle of the eighteenth century would Scotland establish a reputation in North America as a nation of emigrants. Indeed, until rather late in the seventeenth century, it would be difficult to find more than a handful of Scots who displayed any significant interest in the Americas."<sup>46</sup>

### **2.3 English colonies and their effect on Scotland**

England already had a substantial empire towards the end of the 17<sup>th</sup> century and it was with this in mind that Scotland attempted to muscle in on England's North American trade. However, as T. C. Smout put it: "English navigation laws shut the cheap Scottish boats out of the carrying trade, and forbade direct importation of colonial wares to Scotland just as the Scots were becoming interested in the potentialities of trading outside Europe: though Glasgow merchants had discovered ways and means of circumventing them profitably, English frigates in the Clyde after 1688 and stiffer

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<sup>43</sup> Ned C. Landsman "Nation, Migration, and the Province in the First British Empire: Scotland and the Americas, 1600-1800." *The American Historical Review* 104/2 (April 1999) 465.

<sup>44</sup> *Ibid.*, 469.

<sup>45</sup> *Ibid.*, 469.

<sup>46</sup> *Ibid.*, 465.

regulations in the Plantations after 1696 prevented the illegal colonial trade from reaching very significant proportions.”<sup>47</sup>

This meant that it was increasingly difficult for Scotland to increase its levels of trade as the aforementioned tariffs, coupled with the illegality of trading to England’s empire, left it with little room for manoeuvre. How else then was Scotland to earn a decent living and stimulate its economy? William Paterson<sup>48</sup> (1658 - 1719), better known as the founder of the Bank of England, thought he had the perfect answer.



#### **2.4 The Idea of a Central American Trading-Post**

Paterson, a native of the Scottish Lowlands, first had the idea of settling a trading-post on the Isthmus of Panama sometime in the mid-1680s and had apparently been promoting it ever since. He had been heard talking of it in Amsterdam in 1687 and was still obsessed with colonising the area long after the whole sorry affair had nearly bankrupted the Scottish state.<sup>49</sup> It is thus fair to say that the grand design of creating a Scottish Empire at Darien can be attributed to this extraordinary, albeit somewhat eccentric, Scotsman, despite the role of others in this story. How did he go about organising the plan and how did he think a trading-post at Darien would help turn Scotland’s fortunes around?

The idea was fairly simple: establish a colony on the isthmus and then “trade with the Pacific and Atlantic simultaneously”.<sup>50</sup> The concept of the present-day Panama Canal is not too different from Paterson’s scheme, in that by transporting goods across the short strip of land separating the Atlantic and Pacific Oceans, the journey around Cape Horn is saved, along with much time and money. The attempt to establish a “Scots commercial emporium”<sup>51</sup> over 300 years ago was nothing if not ambitious, but it must

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<sup>47</sup> Smout, *The Anglo-Scottish Union of 1707*, 458.

<sup>48</sup> Image found at: <http://www.life.com/image/87920899>

<sup>49</sup> David Armitage, “The Scottish Vision of Empire: Intellectual Origins of the Darien Venture” in *A Union for Empire: Political Thought and the British Union of 1707*, ed. John Robertson (Cambridge 1995) 97-120, 99.

<sup>50</sup> Thomas Devine, *The Scottish Nation: A History 1700-2000* (New York 1999) 5.

<sup>51</sup> *Ibid.*, 25.

be seen as part of a history of Scottish emigration and colonial attempts, as many more Scots had already emigrated to various European destinations such as Ireland, Scandinavia and Poland.<sup>52</sup>

However, the area had already been colonised by the Spanish, and so Scotland would have to tread carefully if it did not want to upset a major European power. Nevertheless, the Scots argued that "the isthmus between Portobello and Cartagena had not been continuously occupied by the Spanish, whose rights had thereby lapsed, and that sovereignty might be passed to any European nation that could make an agreement with the native peoples of the area."<sup>53</sup>

The Spanish of course did not agree with this assessment of the situation, especially as Darien was at the geographic centre of the Spanish Empire in the Americas and they therefore felt somewhat threatened. Moreover, Portobello was at the time an important port for the Spanish which exported large quantities of silver and which had been subjected to numerous attacks by privateers, validating the apprehension Spain might have felt. However, from the Scottish perspective, it was a legitimate opportunity to better its lot, largely because the Spanish had not permanently settled on the isthmus. Nevertheless as Neil Davidson points out: "By the late seventeenth century the Spanish Empire was in decline. It only held a weak grip on some of its territories and was often reduced to claiming sovereignty without being able to enforce it....The Spanish had given way to intruders into their territory only where they could do little to stop it - the English, French, Dutch...had settled respectively in Mexico, San Domingo, Guiana...Darien was different...A successful Scottish colony at Darien would have threatened the Spanish Empire in three ways. First, by undermining the already fragile prestige of the monarchy. Second, by intruding into Spanish strategic interests in the Pacific, potentially giving strategic access north to Mexico, south to Peru, east to Cuba and perhaps even to the Philippines. Third by carrying the virus of Protestantism into nominally Catholic territory - a major issue given that it was only 50 years since Spain had finally been forced to abandon all claims to the United Provinces after the revolt of another people united by Calvinist ideology."<sup>54</sup>

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<sup>52</sup> Landsman, *Nation, Migration, and the Province in the First British Empire*, 469.

<sup>53</sup> Armitage, "The Scottish Vision of Empire" in *A Union for Empire*, 104.

<sup>54</sup> Davidson, *Scottish Revolution*, 96.

## 2.5 The Company of Scotland

Despite the plan seeming simple, organising it proved to be somewhat more of a headache. The *Company of Scotland Trading to Africa and the Indies* - which had been created by an Act of the Scottish Parliament in June 1695 and had been granted a monopoly of Scottish trade to India, Africa and the Americas - was the one to take up Paterson's plan. However, as was often the case in the early modern world, the Company was not solely run or owned by Scots and many of the Scots who did have a stake in it, resided in London, not Edinburgh, which although seemingly trivial, would pose problems later. Furthermore, the English *East India Company* (EIC) - which had been founded in 1600 - was not best pleased at the possibility of its monopoly on trade being threatened, let alone by one based on the same island. The prospect of Scotland becoming "a free port channelling East India goods into Europe, with Scottish plantations undercutting the English colonies' prices in the Americas"<sup>55</sup> was not one that EIC's bosses relished, especially considering its monopoly had only recently been renewed.

Nevertheless, the fact that the *Company of Scotland* had been founded in 1695 by the Scottish Parliament in the absence of King William was to prove more costly than was probably imagined. The overthrow of the Stuarts in the Glorious Revolution of 1688, led to William of Orange taking the English and Scottish thrones, although many would point to William's clear preference towards England and its interests. As Brian Levack surmised: "As the seventeenth century progressed, and as the king came under the control of his English parliament, Scotland found the regal union even more intolerable. The worst blow came in the late 1690s, when the English parliament persuaded William III to sabotage the efforts of the Scottish parliament to establish an overseas colony at Darien....its failure served as the clearest indication that England could use the regal union to protect English economic interests in the face of Scottish competition...William, as king of England, had taken steps to undermine a policy that he himself had previously approved as king of Scotland."<sup>56</sup>

It is with this outlook that the Scottish parliament founded the *Company of Scotland* in 1695, as it felt that the king was always going to act in the interest of his English subjects and not his Scottish ones. From William's perspective, however, it "was

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<sup>55</sup> Armitage, *The Scottish Vision of Empire*, 100.

<sup>56</sup> Levack, *The Formation of the British State*, 220.

as if the Scots Parliament had assumed an ancient constitutionalist sovereignty, rather than the dependent sovereignty of King-in-Parliament which had been confirmed in the English Revolution Settlement.”<sup>57</sup>

This constitutional sovereignty that the Scottish Parliament presumably assumed, meant that it felt it was independent from the king and that it did not need the reigning monarch to give its legislature Royal Assent, which was required in England. That being said, it is hard not to feel for Scotland at this time, a poor country compared to its much richer southern neighbour. William, though, had other ideas, and seeing the threat to England’s commercial empire, as well as his unwillingness to offend the Spanish, the English Parliament forced the *Company of Scotland* to close its subscription books in London and return to Edinburgh in 1696. From then on, the Darien Scheme was a solely Scottish venture, and so it was there that the capital had to be raised.

## **2.6 Raising the money**

Nevertheless, it had not yet been decided where the *Company of Scotland* planned a settlement and the overwhelming majority supported the idea of a colony in Africa or the East Indies, not the West Indies. “The Company was warned comprehensively against accepting Paterson’s scheme to colonise Darien because it would excite English opposition and encroach upon the Spanish territories, thereby offending William’s major ally in the war against Louis XIV.”<sup>58</sup>

However, Paterson argued that the best returns were to be had by a West Indian venture, where a free trading-post could be set up which would subsequently trade with all nations, regardless of religion, which is why he would have preferred to follow the *East India Company’s* model and have a joint venture with English backing, both to reduce English hostility to the plan and gain their support should the Spanish intervene.

As far as funding was concerned, there was little difficulty raising the £400,000 needed in Scotland alone and it took just six months for the Scottish people to contribute enough money to get the scheme off the ground with “contributions ranging from £3,000 to £100 [which] was the minimum amount, so townspeople were allowed to subscribe communally.”<sup>59</sup> The reasons were manifold with some supporting the idea

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<sup>57</sup> Ibid., 100.

<sup>58</sup> Ibid., 101.

<sup>59</sup> Jenny Wormald, “Confidence and Perplexity: The Seventeenth Century” in *Scotland: A History*, ed. Jenny Wormald (Oxford 2005) 167.

of a Scottish trading venture out of personal investment, some in the interests of national prosperity and others in defiance of English interference.<sup>60</sup>

For the late 17<sup>th</sup> century, Paterson's idea of an entrepôt was quite a revolutionary step as the English and Dutch models relied on exclusive trading-companies that had been granted a monopoly by the government. Moreover, he advocated open immigration to the colony in order to prevent the depopulation of Scotland, which was considered to have impoverished Spain and Portugal. Despite the opposition to his scheme, Paterson eventually won over the Company, and by early 1697 the Company's intentions were clear to outsiders and so the organising of the fleet began.

## **2.7 Paterson's Folly**

Thus far, it seemed as if all was going well and that Paterson had done a good job, both promoting his plan for Darien, as well as getting it going. It was at this point, however, that things started to go wrong, particularly for Paterson himself and his involvement in the scheme. He forwarded a substantial amount of money to a colleague in Holland, where the cheapest and best maritime goods could be found, but on arrival his colleague had absconded with all the money. Despite being able to find most of it, the affair did much to damage Paterson's reputation even though he was "acquitted...of all blame except in trusting one who was unworthy".<sup>61</sup> It was thought that he could no longer be relied upon as the incident had undermined his authority, which led to him being relegated to the sidelines for the planning of the venture. The ending of Paterson's active role in the organisation of the expeditions could be seen as a key moment as some believe that "under Paterson's management the expedition would not have sailed, as it did, ill supplied with necessaries for the voyage."<sup>62</sup>

It is important here to recapitulate the reasons why Scots took to this venture so enthusiastically, as with hindsight it is easy to say that the scheme was doomed to failure. The obstacles that were faced by all involved, especially the colonists themselves, seem to point towards an overly treacherous journey and a limited chance of success. So what was it that propelled the nation to accept the Darien Scheme? David Armitage concluded: "For the investors, who had already had a quarter of their subscriptions called in, there was of course the desire for a return on their money. For the settlers who

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<sup>60</sup> Armitage, *The Scottish Vision of Empire*, 101.

<sup>61</sup> W. A. Steel "William Paterson" *The English Historical Review* 11/42 (April 1896): 266.

<sup>62</sup> *Ibid.*, 266.



embarked on the ships to Panama, the Darien venture held out the chance of land and homes for their families – fifty acres to plant, and fifty feet of ground for a house in the colony's capital – albeit on an unfamiliar shore. Yet for Scotland, there was the opportunity of economic modernisation and of being able to compete on an equal footing with the other nations of Europe for whom trade was now the major reason of state. There was the possibility of self-defence through prosperity, an escape from the metropolitan dominance of England, and the hope of economic growth without the attendant dangers of corruption. In sum, the Darien venture was an alternative to dependency and corruption within Britain, and to poverty and universal monarchy within Europe.”<sup>63</sup>

## **2.8 The First Expedition**

The first five ships set sail from Leith harbour on 18<sup>th</sup> July, 1698, although in order to protect the company's interests, the exact destination was a secret to most of the 1,200 passengers on board. Only the captain, Robert Pennecuik, and William Paterson had access to two sealed envelopes, presumably sealed by the *Company of Scotland's* board members, which outlined exactly where they were going. Not until they were on the open sea were the envelopes to be opened.<sup>64</sup> Once clear of Madeira, they were “to proceed to the Bay of Darien, and make the Isle called the Golden Island...some few leagues to the leeward of the mouth of the great River of Darien...and there make a settlement on the mainland”.<sup>65</sup>

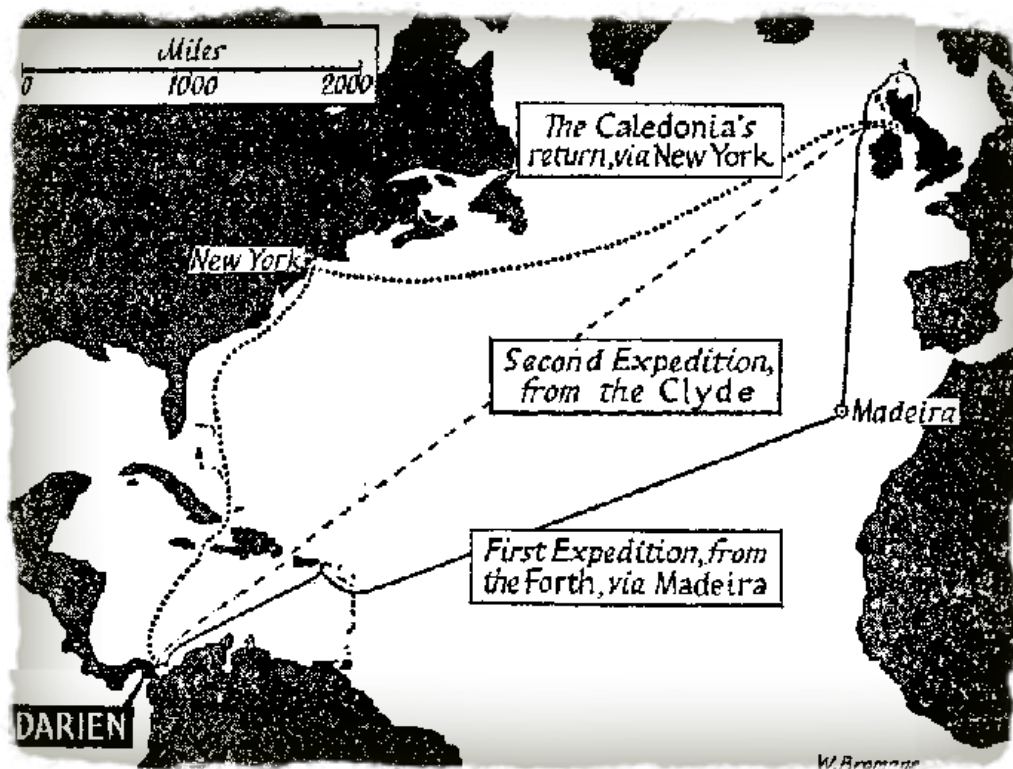
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<sup>63</sup> Armitage, *The Scottish Vision of Empire*, 102.

<sup>64</sup> Mike Ibeji, “The Darien Venture”, *BBC*, [http://www.bbc.co.uk/history/british/civil\\_war\\_revolution/scotland\\_darien\\_03.shtml](http://www.bbc.co.uk/history/british/civil_war_revolution/scotland_darien_03.shtml) (accessed 19.05.2009).

<sup>65</sup> Royal Bank of Scotland, “The Darien Adventure”, [http://www.rbs.co.uk/Group\\_Information/Memory\\_Bank/Our\\_Teaching\\_Resources/The\\_Teaching\\_Resources/The\\_Darien\\_Adventure/National\\_Curriculum/illust\\_hist.htm](http://www.rbs.co.uk/Group_Information/Memory_Bank/Our_Teaching_Resources/The_Teaching_Resources/The_Darien_Adventure/National_Curriculum/illust_hist.htm) (accessed 19.05.2009).

A map showing the routes taken by the Scottish fleets to and from Darien <sup>66</sup>



What did the 1,200 people on board expect to find when they landed? Apparently, many of them had been influenced by a privateer, a complimentary word for a pirate, called Lionel Wafer, who had been employed by the *Company of Scotland* as an adviser because of his experience in the Americas and who later published a book about his adventures there. His descriptions led the company directors to believe Darien a paradise, which although comforting, did not explain why, in over two centuries, the Spanish had not settled there. This was put down to Spanish stupidity, whereas following the word of a single man who had clear motives to exaggerate was fully comprehensible. "The Spaniards had garrisons, forts, towns and villages all along the Isthmus of Panama, but they were wise enough, and had been in America long enough not to waste time and men on the swamps of Darien."<sup>67</sup> If only the Scots had realised what they were getting themselves in to.

<sup>66</sup> <http://www.kinnaird.net/images/darien3.gif>

<sup>67</sup> John Prebble. *Darien: The Scottish Dream of Empire* (Edinburgh 2000) 75.

## **2.9 Lionel Wafer**

Lionel Wafer was originally from Wales and a surgeon by profession, but exploring became his passion due to his uncontrollable wanderlust. In the 1670s, he went on various voyages to the South Seas and eventually settled in Jamaica, but after just a few years he got itchy feet and decided to take two buccaneers up on their offer of becoming their ship's surgeon. He was a colleague of the notorious William Dampier, and in 1680 they decided to go on an expedition across the isthmus of Darien. However, whilst they were having a break, an accident occurred as Wafer describes here: "I was sitting on the Ground near one of our Men, who was drying of Gunpowder in a Silver Plate: But not managing it as he should, it blew up, and scorch'd my Knee to that degree, that the Bone was left bare, the Flesh being torn away, and my Thigh burnt for a great way above it."<sup>68</sup>

After initially attempting to carry on the journey, it soon became clear that he could not and so he was abandoned and left in the care of Kuna Indians. It was during this time that he was able to document the area, as well as the customs and practices of the Kuna, which was the reason why the Darien Company employed him as an advisor. Eventually, Wafer left Darien and continued his American privateering adventures until eventually returning to England in 1690, where he published his account of his adventures in 1699, shortly after Dampier had done the same. Wafer's descriptions are what the Company, as well as many of the colonists, used in order to have an idea of what to expect when they arrived. They were in for a shock.

## **2.10 Wafer's Descriptions of the Kuna and their Land**

Despite some misgivings about Wafer, his report was not a complete exaggeration and is still seen by many as the definitive work on the isthmus. His detailed account of the 'Indians' living on the isthmus has been described as "a useful document in which both words and drawings show remarkable continuities with the present"<sup>69</sup>, which seems to suggest that the indigenous population has not changed as much as could have been expected in the last few centuries. We can surmise from others' research that Wafer was looked after by Kuna Indians, which is why I will concentrate on this particular people and not on the various other peoples that lived in the vicinity.

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<sup>68</sup> Lionel Wafer and George Parker Winship, *A New Voyage and Description of the Isthmus of America* (Cleveland 1903 [1699]) 36.

<sup>69</sup> Joel Sherzer, "The Kuna and Columbus: Encounters and Confrontations of Discourse." *American Anthropologist New Series* 96/4 (December 1994) 902.

Furthermore, the Kuna are arguably the most well-known of the “Darien Indians”<sup>70</sup>, therefore I will only discuss this particular ethnic group.

*A picture from Wafer’s book showing “The Indians in their Robes in Council, and Smoaking tobacco after their way”<sup>71</sup>*



The Kuna are a particularly interesting tribe and in “the 500 years since first European contact, the Kuna have maintained social, cultural, and linguistic independence, while at the same time accommodating to the world around them.”<sup>72</sup> This shows that the Kuna have changed with the times but have retained what they perceive as the most important aspects of their culture.

For the Kuna, outsiders “have left their influence on Kuna language, culture, dress, and place names, no matter how much the Kuna incorporate from the outside, they have become even more fiercely independent: insisting on their ethnic, cultural, social, geographic, historical, and linguistic identity.”<sup>73</sup>

Whatever the case may be, it is important to note that Wafer and the Scots were certainly not the first foreigners the Kuna had met, and, given the brutality of how they were treated by Spaniards in Columbus’ era, it is surprising that they were willing to

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<sup>70</sup> Dr. Cullen, “The Darien Indians.” *Transactions of the Ethnological Society of London* 6 (1868) 150-175.

<sup>71</sup> *Ibid.*, 109

<sup>72</sup> Sherzer, *The Kuna and Columbus*, 922.

<sup>73</sup> *Ibid.*, 902.

take in an outsider, even though he was badly injured. However, they “were never subdued by the Spaniards”<sup>74</sup> and “always bore great animosity”<sup>75</sup> towards them, which may be just one reason why they decided to take him in. The fact that English and French buccaneers allied with them in “incursions against the Spaniards”<sup>76</sup> may well be another.

In his book on the isthmus, Wafer had described the indigenous population as follows “[T]he size of the Men is usually about five or six Foot. They are streight and clean-limb’d, big’d-bon’d, full-breasted, and handsomly shap’d. I never saw among them a crooked or deformed Person. They are very nimble and active, running very well. But the Women are short and thick, and not so lively as the Men. The young Women are very plump and fat, well-shap’d, and have a brisk Eye. The elder Women are very ordinary; their Bellies and Breasts being pensile and wrinkled. Both Men and Women are of a round Visage, with short bottle Noses, their Eyes large, generally grey, yet lively and sparkling when young. They have a high Forehead, white even Teeth, thin Lips, and a Mouth moderately large. Their Cheeks and Chin are well proportion’d; and in general they are handsomely featur’d, but the Men more than the Women.”<sup>77</sup>

This rather detailed description gave the colonisers a glimpse of what to expect from the Amerindians, even though it does not seem particularly exotic. I am sure Wafer’s stories excited and even frightened many Europeans at the time, especially when he tells of Indians preparing “a great Pile of Wood to burn us”.<sup>78</sup> However, stories such as these must be taken with a pinch of salt, especially considering the nature of the man writing them and his motivation for doing so.

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<sup>74</sup> Cullen, *The Darien Indians*, 152.

<sup>75</sup> *Ibid.*, 152.

<sup>76</sup> *Ibid.*, 152.

<sup>77</sup> Wafer and Parker Winship, *A New Voyage*, 131.

<sup>78</sup> *Ibid.*, 42.

*A picture from Wafer's book showing "The Indians marching upon a Visit, or to Feast"*<sup>79</sup>



Regarding the weather, Wafer said it "is much the same here as in other places of the Torrid Zone in this Latitude; but inclining rather to the Wet Extreme. The Season of Rains begins in April or May; and during the Months of June, July and August, the Rains are very violent. It is very hot also about this time, where-ever the Sun breaks out of a Cloud..."<sup>80</sup>

Reading this description leads me to wonder what made the settlers ever think Darien was some sort of paradise. The climate was clearly not the most comfortable and the land itself, which was in many places either a "Swamp", or "Rocky"<sup>81</sup>, does not seem ideal for growing crops. It is also worth noting that the settlers were largely unprepared for the wet weather, which seems astonishing given what Wafer must have said.

With hindsight it is easy to say that those who read Wafer's book, read what they wanted to, especially since so many things went wrong and the colonisers were so ill-prepared for the reality that lay ahead. Its publication obviously came too late for the first expedition but I am sure that many of those first settlers had already heard what he had to say, especially given that he had been employed as an advisor to the *Company of Scotland*. He makes reference to "uneasie Vermin" or "Moskito's", as well as "Gnats"<sup>82</sup>,

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<sup>79</sup> Ibid., 137

<sup>80</sup> Ibid., 93.

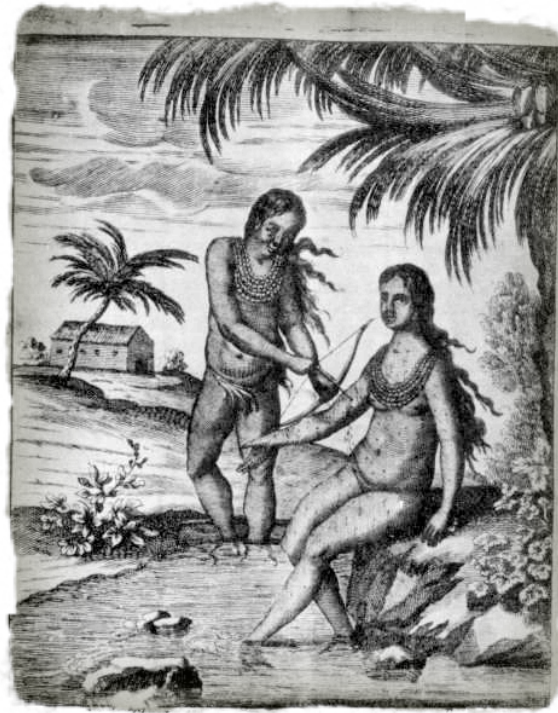
<sup>81</sup> Ibid., 81.

<sup>82</sup> Ibid., 94.



and for this reason alone, the organisers should have hung their heads in shame. Nonetheless, this was not the only reason the colony failed but the best one can do in such situations is to be as well prepared as possible. The Scots clearly were not.

*A picture from Wafer's book showing "The Indians manner of bloodletting"*<sup>83</sup>



### **2.11 Arrival at Darien**

The five Scottish ships, the Dolphin, Caledonia, St Andrew, Unicorn and Endeavour, arrived at Darien at the end of October of the same year and despite the long and arduous journey, only 70 of the 1,200 colonisers had succumb to fatal illnesses.<sup>84</sup> Many were already sick, and after naming the area New Caledonia, the surviving members got to work on building huts as well as grave digging.<sup>85</sup>

However, unbeknown to the colonisers, King William had secretly employed Captain Richard Long to ascertain the exact whereabouts of the Scots. Just a few days after they had landed, Long located them and "sailed at once for London, arrived there late in December, furnished the king with exact information as to the whereabouts of the Scots, months before this news came through the regular channels, and enabled him to

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<sup>83</sup> Ibid., 54

<sup>84</sup> Ibeji, *The Darien Venture*.

<sup>85</sup> Historic UK, "The Darien Scheme - The Fall of Scotland", <http://www.historic-uk.com/HistoryUK/Scotland-History/DarienScheme.htm> (accessed 19.05.2009).

take the necessary steps to protect his interests.”<sup>86</sup> William’s main goal was to appease his Spanish allies, on the eve of the War of the Spanish Succession, in order to receive their help in opposing the potential Bourbon universal monarchy. The Scots were his subjects and Spain would not have taken kindly to them encroaching on their territory, thus weakening William’s position somewhat.

No one knew of William’s spy, and it was not to become clear until the following summer, but another step had been taken against the Scots forming a colony at Darien and so when this news broke, as well as that regarding the failure of the first expedition, the blame was laid firmly at the door of the English.

The settlers built Fort St. Andrew, as well as their huts in New Edinburgh, but for some reason did not take great care in choosing where to start building. Paterson described the land as a “mere morass, neither fit to be fortified nor planted, nor indeed for men to lie upon... We were clearing and making huts upon this improper place near two months, in which time experience, the schoolmaster of fools, convinced our masters that the place now called Fort St Andrew was a more proper place for us.”<sup>87</sup>

They also started to clear the land so that they could grow yams and maize. However, as could have been expected, the tropical climate was not suited to growing such agricultural products and so life became increasingly difficult with ever-decreasing amounts of food to be had.

To make matters worse, the “goods they had carried with them as merchandise were found unsuitable”<sup>88</sup>, meaning that the indigenes were not interested in buying combs, bibles and woollen hats.<sup>89</sup> This choice of trading goods may partially be put down to Wafer’s descriptions of the Kuna, who he said “pride themselves much in the length of the Hair of the Head; and they frequently part it with their Fingers, to keep it disentangled; or comb it out with a sort of Combs they make of Macaw-wood...They take great delight in Combing their Hair, and will do it for an Hour together.”<sup>90</sup> Nevertheless, first and foremost, this was a business venture, so the organisers should have known that bibles and woollen hats were not likely to be particularly profitable trading goods.

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<sup>86</sup> Hiram Bingham, “Virginia Letters on the Scots Darien Colony, 1699.” *The American Historical Review* 10/4 (July 1905): 812.

<sup>87</sup> Ibeji, *The Darien Venture*.

<sup>88</sup> Steel, *William Paterson*, 267.

<sup>89</sup> Wormald, *Scotland: A History*, 167.

<sup>90</sup> Wafer and Parker Winship, *A New Voyage*, 132.



All these problems did not bode well for colony harmony and so power struggles broke out between the elected councillors who eventually “determined that each member of the council in turn should be president for a week.”<sup>91</sup> Not exactly the most logical solution to the problem.

It is also worth repeating that the Scots had settled on Spanish territory and that a colony there would impinge on the Spanish Empire. This meant that, even though they had wisely decided not to inhabit Darien, a foreign occupation of the area was utterly unacceptable. The Scottish landing led the Spanish to attack the colonists and there were sporadic clashes between the two.

### **2.12 The Fate of the First Expedition**

The fate that befell the settlers was nothing like the paradise they had expected and the wet season was to bring yet more misery. “Spring 1699 brought torrential rain, and with it disease. By March 1699, more than 200 colonists had died, and the death rate had risen to over 10 a day.”<sup>92</sup> Those that had not yet succumbed “were emaciated and yellow with fever.”<sup>93</sup>

Roger Oswald, one of the surviving settlers, wrote about life on Darien that spring and spoke of the utter hardship that had befallen himself and his fellow settlers. “When boiled with a little water, without anything else, big maggots and worms must be skimmed off the top... In short, a man might easily have destroyed his whole week's ration in one day and have but one ordinary stomach neither... Yet for all this short allowance, every man (let him never be so weak) daily turned out to work by daylight, whether with the hatchet, or wheelbarrow, pick-axe, shovel, fore-hammer or any other instrument the case required; and so continued until 12 o'clock, and at 2 again and stayed till night, sometimes working all day up to the headbands of the breeches in water at the trenches. My shoulders have been so wore with carrying burdens that the skin has come off them and grew full of boils. If a man were sick and obliged to stay within, no victuals for him that day. Our Councillors all the while lying at their ease, sometimes divided into factions and, being swayed by particular interest, ruined the

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<sup>91</sup> Steel, *William Paterson*, 267.

<sup>92</sup> Ibeji, *The Darien Venture*.

<sup>93</sup> Historic UK, *The Darien Scheme*.

public... Our bodies pined away and grew so macerated with such allowance that we were like so many skeletons.”<sup>94</sup>

And if these difficulties were not enough, it was also around this time that it became clear that King William had ordered the English colonies not to trade with the Scottish one, as this proclamation by the Jamaican governor Beeston makes clear: “Whereas I have received Commands from his Majesty, by the Right Honourable James Vernon Esq; one of his Majesty's Principal Secretaries of State, signifying to me, that his Majesty is unacquainted with the Intensions and Designs of the Scots settling at Darien: And that it is contrary to the Peace entred into with his Majesty's Allies [Spain]; and therefore has commanded me, that no Assistance be given them. These are therefore in his Majesty's Name, and by Command, strictly to command his Majesty's Subjects whatsoever, that they do not presume, on any pretence whatsoever, to hold any Correspondence with the said Scots, nor to give them any Assistance of Arms, Ammunition, Provisions, or any other Necessaries whatsoever, either by themselves or any other for them; or by any of their Vessels, or of the English Nation, as they will answer the Contempt of his Majesty's Command to the contrary, at their utmost peril.”<sup>95</sup>

Other English colonies soon made similar proclamations, and the indignation felt in Scotland was understandably great. It was as though their king did not care for them and held his English realm in much higher esteem. This was probably not exactly the case, although England, being the much richer and well thought-of kingdom, was more important. “For William, the maintenance of the Anti-French alliance took first place, the wishes of the more powerful of his English subjects second and those of his Scottish subjects - however powerful - a very poor third.”<sup>96</sup> However, is it not the role of kings to rule for *all* their subjects and at least attempt to appease them all? The fact that William more or less abandoned his northern kingdom for the sake of the war on the French Monarchy was to have serious consequences later on, although these would not happen in his lifetime. The Jacobite rebellions in the first half of the 18<sup>th</sup> century could arguably be seen as a result of the lack of acknowledgement Scotland received from its non-Stuart kings and queens.

The first expedition came to a sorry end when, in July 1699, the surviving colonists heard that the Spanish were planning to attack the colony. Knowing that no help would

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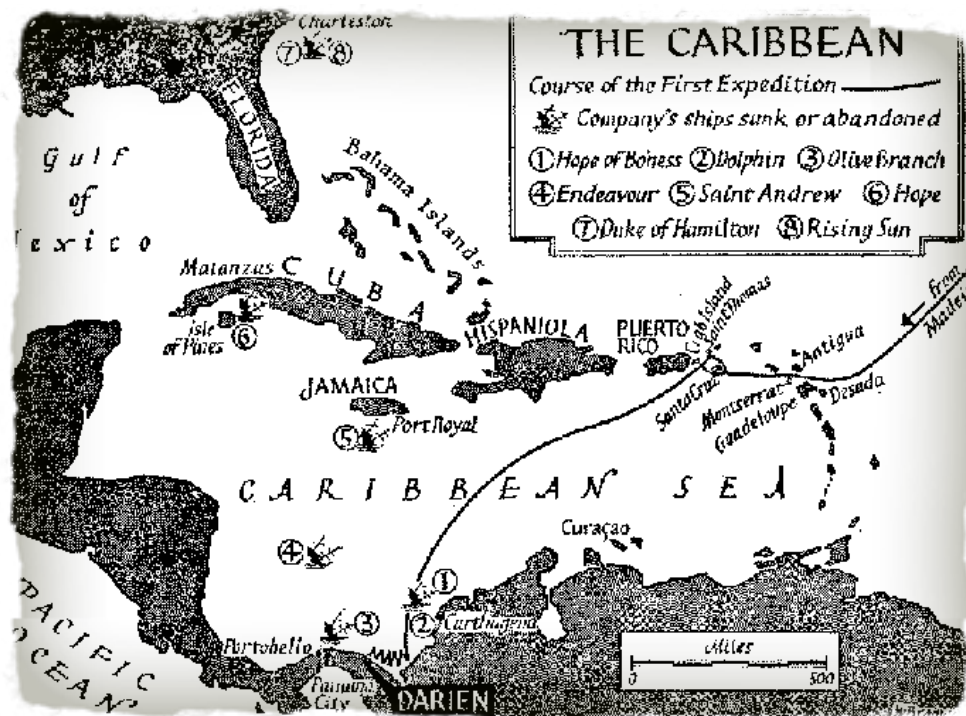
<sup>94</sup> Ibeji, *The Darien Venture*.

<sup>95</sup> Bingham, *Virginia Letters on the Scots Darien Colony*, 1699, 813.

<sup>96</sup> Davidson, *Scottish Revolution*, 98.

be forthcoming, they fled to their ships and to the sea, although only the *Caledonia*, with fewer than 300 survivors on board, made it back to Scotland. The ship's captain, Robert Drummond, noted "I am not capable of writing of the miserable conditions we have undergone".<sup>97</sup>

*A map showing the fate of the First Expedition's ships<sup>98</sup>*



### 2.13 The Second and Third Expeditions

Despite all the bad news from Darien, no one in Scotland knew that the colony had been abandoned and a second expedition was assembled and set sail on 12<sup>th</sup> May 1699, with two ships carrying 300 colonists. A third expedition consisting of 1,300 settlers and four ships left Leith on 24<sup>th</sup> September that year, just days after confirmation of the first expedition failing. The flagship was the newly-built *The Rising Sun* and so the ships and colonists made their way to the isthmus in search of their fortunes. Of the new settlers, 160 died before they arrived, although maybe they were the lucky ones.<sup>99</sup>

<sup>97</sup> Roger Moorhouse. *Darién - the Scottish 'Empire'*. <http://www.rogermoorhouse.com/article2.html> (accessed 21.05.2009).

<sup>98</sup> <http://www.kinnaird.net/images/darien2.gif>

<sup>99</sup> Royal Bank of Scotland. *The Darien Adventure*.

Those that did make it found New Edinburgh abandoned and the huts in disrepair. Nevertheless, they set about rebuilding the colony and were even successful in launching a pre-emptive attack on Spanish forces, which had assembled at Tubuganti. However, “under the command of Governor-General Pimiento, a massive fleet and army besieged Fort St Andrew, which finally surrendered in March 1700. The surviving colonists were permitted to vacate the fort on board their remaining ships. Only a handful ever made it back to Scotland.”<sup>100</sup>

With this abandonment came the end of the Scottish dream of empire, with thousands of colonists dead and around a quarter of the country’s capital lost. The consequences were to be disastrous, for a time at least, but for now, England and King William were public enemy number one. Instead of blaming the badly organised councillors, the powerful southern neighbour was held responsible, which, to a certain extent, was justifiable. William had done all he could to make sure the scheme was unsuccessful, which considering he was also the King of Scotland, seems rather merciless. Nevertheless, one could argue that the Scots were not as prepared as they should have been and could even have chosen an alternative site for their colony, thus avoiding the wrath of their king.

As for Darien, nothing much was left behind and so it cannot be said that the Scots had any lasting influence. However, it is interesting to note that the area where the colony was based is still known today as *Punta Escocés*, or Scottish Point.

After the Darien disaster, talk of union became ever-more frequent with an impoverished Scotland in need of access to English trade. But was the failure of Darien a necessity for union or would it have happened even if Scottish plans for colonisation had been successful? In the final chapter I intend to look at this question more closely and ascertain how important Darien’s failure was to the Union as well as the various other factors that led to it.

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<sup>100</sup> Ibeji, *The Darien Venture*.

### 3 The Need for Union

After all the previous attempts at union, whether by force or parliamentary act, the problems of the 1690s, as well as the Darien disaster, made it even clearer that the union of England and Scotland was becoming a necessity. Despite William III's approval, a union agreement had never got far in either parliament, as at least one party had always had a reason to be against it. Nevertheless, the fall-out from Darien was one of the catalysts for increased action by sections of the parliamentary establishment and from then on, significant steps were taken to make union appealing to both Scots and English alike.

#### 3.1 The Problem of Succession

The settlement that was agreed upon after the 1688 Revolution only settled the succession in the short term. If William, Mary or Anne - who succeeded William after his untimely death in 1702 - died without leaving an heir, the problem of succession would re-emerge. It would also leave the door open for the return of the Stuarts, with the would-be James VIII and III still exiled in France.

However, William had foreseen this eventuality, and despite the English Parliament considering, but then deciding against naming, Sophia of Hanover as a future heir, he continued negotiations with her, safe in the knowledge that despite there being an abundance of closer heirs, she was the first Protestant in the line of succession. In light of what came to pass in 1700, it seems like shrewd thinking on the part of the king. Mary had died childless in 1694, and William was equally likely to go to the grave without an heir. Anne, the next in line, had a son, although tragedy struck when the "death of the Duke Of Gloucester in August 1700...threw the question of succession further into confusion".<sup>101</sup> The young Prince William's death triggered a succession crisis and so the English Parliament hastily passed the *Act of Settlement*, declaring that Sophia and her heirs would inherit the crown after Anne.

All may have seemed well, but in the rush to pass the Act, the English Parliament had failed to consult its Scottish counterpart and the "Act made no mention of the

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<sup>101</sup> Armitage, "The Scottish Vision of Empire" in *A Union for Empire*, 112.

Scottish - or the Irish - succession: clearly the English simply assumed that the other kingdoms would have no alternative but to follow suit and accept the Hanoverians.”<sup>102</sup>

However, the Scots took a different view, seeing the failure to consult it on such an important matter as an insult but equally seeing it as an opportunity to break the regal union which had shackled the country for so long.

In the meantime, Carlos II of Spain had also died in 1700, naming Louis XIV's grandson Philip as heir to the Spanish throne, instigating the War of the Spanish Succession. William and his anti-French alliance were determined to prevent Louis' Bourbon dynasty from achieving universal monarchy, which would have left both Spain and France, as well as vast swathes of the New World, in the hands of a single monarch. Moreover, this war was to provide the backdrop to the problem of the British succession as it “had been fought, as far as Britain was concerned, in large part because the French monarch at that time, Louis XIV, had insisted on recognising the exiled James II and his son as the only rightful kings.”<sup>103</sup>

As well as fighting the French over the Spanish succession, it seemed that William would also have to fight them over the British succession, with the would-be James VIII and III - otherwise known as the Old Pretender - vying for the British crowns.

In Scotland, there was significant support for a Jacobite king, so the Old Pretender could at least have expected a warm welcome by some of his future subjects. Many saw him as the rightful heir to the Scottish throne, despite the fact that he would be a Catholic monarch in an overwhelmingly Protestant country. Nevertheless, the majority of the Highlanders were still Catholic, which is where James would acquire most of his supporters and have his stronghold.

But what would the return of the Stuarts mean for Scotland? Despite the difficulties that regal union had brought, a Jacobite king of Scotland would bring even more, although the English Parliament seemed to recognise these difficulties more easily than the Scottish one. However, that may possibly have been because it realised the danger to England if the Stuarts were to take the Scottish throne. In any case, a Catholic monarch in Scotland posed the threat of civil war between the Catholic Highlanders and the Protestant Lowlanders, especially if the Old Pretender continued his father's policy of religious tolerance as an excuse to give important positions to

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<sup>102</sup> Robertson, “An Elusive Sovereignty” in *A Union for Empire*, 202.

<sup>103</sup> Colley, *Britons*, 77.

fellow Catholics. Furthermore, in order to even take the Crown, James would require extensive support from his French allies, which would leave Scotland open to French domination. The prospect of this was not too different from the current feeling of English oppression and so why go to the bother of throwing off one oppressor in order for another to take his place? As Linda Colley surmises: "France, in short, was the Stuarts' most devoted ally. Britons had every reason to suppose, therefore, that a restored Stuart dynasty would operate, whether it wanted to or not, under the shadow of French power and in support of French interests. France had paid the Pretenders and would surely try to call their tune."<sup>104</sup>

Finally, there was the question of the English Crown. A Jacobite king would most likely use Scotland as a base to regain the richer kingdom, which, regardless of whether he was successful or not, would lead to hardship in Scotland. Victory would leave Scotland with yet another absentee king whereas failure would lead to another English conquest of Scotland. For many north of the border, especially in the Lowlands, it seemed like a lose-lose situation, which is why James received short shrift in many quarters.

### **3.2 Another Failed Attempt at Union**

By 1702 it was becoming increasingly necessary to solve the problem of succession, for both Scotland's and England's benefit. "William of Orange had initially encouraged incorporation and was to recommend it on his deathbed. However, he was not prepared to devote the time and energy required to carry the policy through."<sup>105</sup> An incorporating union would mean Scotland becoming a province within a Greater England, with no parliament of its own, as opposed to a federal union, which would retain a Scottish Parliament, albeit a less powerful one. But even though William had obviously favoured union for a long time, as Allan Macinnes shows, other, more pressing matters, had always taken precedence. Therefore it was not until shortly before William's premature death in March 1702 that the situation had become urgent enough for him to implore both houses of the English Parliament to consider union with Scotland.

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<sup>104</sup> Ibid., 79.

<sup>105</sup> Macinnes, *Union and Empire*, 88.

The reasons for William taking a more active role in union seems quite clear. The king's authority in Scotland had been severely undermined by the Scottish Parliament and it had become almost impossible for royal policy to be implemented north of the border. A union of parliaments, creating a single British Parliament based in London, would enable the king to regain control of the political situation in Scotland as well as securing the succession of the Hanoverians. Despite William III's death after falling from his horse, the newly crowned Queen Anne allowed both the Scottish and English Parliaments to appoint negotiating commissioners for union, with talks starting in November 1702.

Notwithstanding the need for union, it seemed as though the Monarch were the only party interested in union. "The Whig and Tory parties naturally supported the Hanoverian succession for Scotland, but neither displayed enthusiasm for a union of any sort. The Whigs did so because, given the notorious servility of the Scottish Commissioners, any merger of parliaments would likely see them form a permanent phalanx of support for the Ministry - whichever Ministry it happened to be. The Tories did so because they had no desire to form closer links with a nation whose Presbyterian beliefs were so alien to their High Church Anglicanism. As long as it seemed to offer the path of least resistance, both parties preferred Scotland to remain a separate state under English influence."<sup>106</sup>

English politicians wished to subordinate Scotland as it was in their interest to do so. The idea that a country is more stable if its neighbours are relatively well off had not yet been contemplated, and so it was believed it would be advantageous to keep Scotland poor by limiting economic development. The fact that the talks on union largely stalled because the English Commissioners were unwilling to grant Scottish access to trade with the colonies seems to strengthen this point. Furthermore, the Scots balked at having to pay the same taxes as the English, citing their relative poverty as a reason for paying less tax. To make matters even more complicated, the question of religion was still entwined in politics and was a sore point on both sides. What would become of the Presbyterian Kirk if union were achieved? Due to the lack of agreement regarding these and other points, the commission was adjourned in February 1703 until October, although an election in Scotland changed the outlook of the Parliament considerably and the commission was never reconvened.

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<sup>106</sup> Davidson, *Scottish Revolution*, 107.



In May 1703, the newly elected Scottish Parliament met for the first time, but how representative was this body? "In England, over 4 in every 100 men could vote in Parliamentary elections. In Scotland, the comparable figure was 1 in every 1,000."<sup>107</sup> As this statistic shows, it was not particularly representative, even in comparison with a neighbouring country at the same time. Furthermore, "the Scottish Parliament remained essentially a feudal Assembly: only those who held land directly of the king, whether as nobles, barons or royal burghs, were represented there. Technically and legally throughout the whole of its existence it was a 'Baron Court'."<sup>108</sup> So despite the widespread indignation at the loss of Scotland's sovereignty, it is hard to see what was so reprehensible about abolishing a medieval style body in the Early Modern Period.

Nevertheless, Andrew Fletcher (1653 - 1716), a Scottish politician and writer, best known today as an independent patriot as his personal interests did not influence his position, devised twelve limitations which would have revolutionised politics in Scotland. These limitations aimed to limit the power of the Crown and English ministers in Scottish politics. If such an undertaking could have been carried out, then union with England might not have been the only way forward. However, Fletcher's ideology would almost certainly never have been widely accepted or fully implemented, especially as those whom it sought to restrain were the ones who would have to enact it. His twelve limitations stated:

1. That elections shall be made at every Michaelmas [the feast of St. Michael on 29<sup>th</sup> September] head-court for a new Parliament every year; to sit the first of November next following, and adjourn themselves from time to time, till next Michaelmas; That they choose their own president, and that everything shall be determined by balloting, in place of voting.
2. That so many lesser barons shall be added to the Parliament, as there have been noblemen created since the last augmentation of the number of the barons; and that in all time coming, for every nobleman that shall be created, there shall be a baron added to the Parliament.
3. That no man have vote in Parliament, but a nobleman or elected member.
4. That the King shall give the sanction to all laws offered by the Estates; and that the president of the Parliament be empowered by His Majesty to give the sanction in his absence, and have ten pounds Sterling a day salary.
5. That a committee of one and thirty members, of which nine to be a quorum, chosen out of their own number, by every Parliament, shall, during the intervals of Parliament, under the King, have the administration of the government, be his council, and accountable to the next Parliament; with power in extraordinary occasions, to call the Parliament together; and that in the said council, all things be determined by balloting in place of voting.

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<sup>107</sup> Ibid., 109.

<sup>108</sup> Ibid., 109.

6. That the King without consent of Parliament shall not have the power of making peace and war; or that of concluding any treaty with any other state or potentate.
7. That all places and offices, both civil and military, and all pensions formerly conferred by our Kings shall ever after be given by Parliament.
8. That no regiment or company of horse, foot or dragoons, be kept on foot in peace or war, but by consent of Parliament.
9. That all fencible men of the nation, between sixty and sixteen, be with all diligence possible armed with bayonets, and firelocks all of a calibre, and continue always provided in such arms with ammunition suitable.
10. That no general indemnity, nor pardon for any transgression against the public, shall be valid without consent of Parliament.
11. That the fifteen Senators of the College of Justice shall be incapable of being members of Parliament, or of any other office, or any pension; but the salary that belongs to their place to be increased as the Parliament shall think fit; that the office of President shall be in three of their number to be named by Parliament, and that there be no extraordinary lords, and also, that the lords of the Justice court shall be distinct from those of the Session, and under the same restrictions.
12. That if any King break in upon any of these conditions of government, he shall by the Estates be declared to have forfeited the crown.<sup>109</sup>

Notwithstanding the fact that the limitations were not fully implemented, the Scottish Parliament was to pass an Act later in 1703 that would at least partially realise Fletcher's ideal.

### **3.3 Hostile Acts**

The commission that was adjourned in February 1703 never reconvened. However, the question remains; why not? Firstly, the level of anti-English feeling had reached fever-pitch in Scotland by the time the new Parliament met in May, partly as a result of the stalled union negotiations and English arrogance towards the whole process. The talks had stalled because of English reluctance to grant free trade as well as compensation for the losses incurred in the Darien Scheme, which the Scots saw as essential to any deal. Furthermore, Queen Anne's representative in Parliament, the Duke of Queensberry, had the unenviable task of trying to pass legislation that would ensure Scotland's help in the war against France. The fact that he led a minority government did not help matters. The Duke's actions further heightened tension and in response, the opposition transformed the proposed *Act of Security*, which caused an enormous stir in the political world. "The Act of Security was passed on 13 August and the opposition quickly followed through

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<sup>109</sup> Andrew Fletcher of Saltoun. *An Historical Account of the Ancient Rights and Power of the Parliament of Scotland* (Aberdeen 1823 [1703]) 140-142.

with the Act Anent [concerning] Peace and War, based on the sixth of Fletcher's limitations...The Act of Security provided for the Scottish Parliament to choose the next monarch of Scotland, the only criterion being that whoever was chosen could not at the same time hold the Crown of England, unless certain conditions...were met. The Act Anent Peace and War additionally moved that only the Scottish Parliament could declare war on behalf of Scotland."<sup>110</sup>

The English Parliament rightly saw the *Act of Security* as a threat to England's security as the Scots would likely reinstate the Stuarts after Queen Anne's death, thereby thwarting the Hanoverian Succession. A Catholic king in Scotland held the danger of France using the northern Kingdom as a backdoor to invading England, something which proved a catalyst for union just a few years later.

The opposition had until that time been a fractious group of parties and so it is curious that they should now collude to form at least some sort of unity. However, each party had its own reasons for wanting to pass these acts and so one could say it had more to do with self-seeking politicians than any master plan to unite under one banner. To explain these manifold reasons I can do no better than to quote Neil Davidson once more: "The Jacobites wished to abort the Hanoverian Succession altogether and saw the Acts as a stepping stone in that direction. The majority of the Country Party saw them as a bargaining counter to secure the Hanoverian Succession on more favourable terms. The Fletcherite minority saw them as the beginning of parliamentary independence from monarchical control."<sup>111</sup>

Regardless of what these factions aspired to, the *Act of Security* was never going to be given royal ascent, and so it proved shortly after the Act was passed by Parliament. This led to an impasse of course, meaning that at the end of the parliamentary session in September 1703, a clear deadlock had emerged. The English wanted union and the Hanoverian Succession to thwart France and bring Scotland on side in its war against Louis XIV. However, the Scots wanted free trade and economic concessions in return.

Queensberry's failure to keep the Scottish Parliament in line led to his dismissal as Lord High Commissioner and he was replaced by the Marquis of Tweeddale for the 1704 session. Tweeddale's task was to achieve what Queensberry had failed to, i.e. guarantee

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<sup>110</sup> Davidson, *Scottish Revolution*, 116-117.

<sup>111</sup> *Ibid.*, 117.

funding for the war as well as the Hanoverian Succession. He succeeded in the first of these objectives, albeit after the controversial *Act of Security* was “given a reluctant royal ascent in 1704”<sup>112</sup> but the problem of succession remained unsolved. The reason he had agreed to the *Act of Security* was because of the dire military situation in Europe, with Scottish funds required to help fight back French forces. If news of the Duke of Marlborough’s rout of the French-Bavarian army at Blenheim had reached British shores earlier, then Tweeddale would have had more room for manoeuvre, simply because the military situation would not have been so pressing, thus making the need for Scottish funds less urgent. As it was, the news came too late to prevent the Act being passed but that provoked the English Parliament into retaliation.

The *Alien Act* was a more memorable name for the long-winded *Act for the effectual securing the Kingdom of England from the apparent dangers that may arise from several Acts lately passed in the Parliament of Scotland*. It became known as the *Alien Act* because it “provided that if the Scots did not settle the succession by 25 December 1705, they would be declared aliens in England, and the import of their coal, cattle and linen prohibited.”<sup>113</sup> The idea seems rather clear; union was to be achieved by exerting economic pressure on the Scots, especially as “the Act offered the Scots fresh negotiations for a union”.<sup>114</sup> However, as could have been expected, the said Act caused outrage in Scotland and it was to serve as the precursor to a somewhat unsavoury episode.

The following ballad was written sometime in 1705, shortly after the revengeful seizure of an English merchant ship by the Scots, the *Worcester*, and the subsequent execution of the crew.

‘A Pill for the Pork Eaters, or a Scots lancet for an English Swelling’

Then England for its treachery should mourn,  
Be forced to fawn, and truckle in its turn:  
Scots pedlars you no longer durst upbraid  
And DARIEN should with interest be repaid.<sup>115</sup>

The *Worcester* was seized in the Firth of Forth and it was not long before the crew were being accused of piracy as well as the murder of a missing Scottish vessel’s crew.

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<sup>112</sup> Karen Bowie, *Scottish Public Opinion and the Anglo-Scottish Union: 1699-1707* (Chippenham 2007) 74.

<sup>113</sup> Robertson, “An Elusive Sovereignty” in *A Union for Empire*, 210.

<sup>114</sup> *Ibid.*, 210.

<sup>115</sup> John Prebble, *Darien: The Scottish Dream of Empire* (Edinburgh 1968) 9.

The pretext to this seizure was the capture of the *Annandale*, a *Company of Scotland* merchant ship that was taken in England by the *East India Company*. The Scots were charged with breaching the Company's trading monopoly and so were forced into the English navy whilst the cargo was confiscated. Unfortunately for the Worcester's crew, they had been captured just as anti-English sentiment had reached its zenith and the ferocity with which the Edinburgh mob cried 'No reprieve' sealed their fate. The Admiralty Court, anxious for revenge but equally in need of satisfying the angry mob, unsurprisingly found the crew guilty and so the Captain, Thomas Green, along with two of his men, were hanged in March 1705 in front of a large crowd baying for blood. If this charade served for anything, it served to show just how high anti-English sentiments were in Scotland at the time.

### **3.4 Union Negotiations Announced**

Nevertheless, the threat of economic sanctions as well as losing estates held in England, propelled the Scottish Parliament to agree to negotiate union in the summer of 1705. It had reconvened in June in order to discuss the English ultimatum with the Duke of Argyll, now the Lord High Commissioner. His strengthened Court party had managed to garner enough votes from the New Party - otherwise known as the Squadron Volante - in order for the legislation to pass. The Court party, as its name suggests, leaned towards the monarch and tended to support their policies whereas the Country party tended to oppose them. The Squadron held the middle ground and despite being a relatively small grouping, often held the balance of power in Parliament.

However, even though Parliament had agreed to negotiate, it had not yet been decided who would nominate the commissioners to discuss the terms of the treaty, the Queen or the Scottish Parliament. This decision would be crucial to negotiations because if it were "the former, then opposition tactics would be narrowed to resisting the ratification of the treaty, since the Courtiers would invariably agree with English proposals. If the latter, then it was possible that the commissioners would be sufficiently independent to argue for a federal union, or, as the Jacobites hoped, to break off negotiations altogether if the English failed to compromise."<sup>116</sup>

It seemed as though the opposition would get its own way and have Parliament choose the commissioners, although an act of betrayal on the part of the Duke of

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<sup>116</sup> Davidson, *Scottish Revolution*, 127.

Hamilton swung the pendulum back in the Crown's favour. Hamilton was the leader of the opposition, a fractious group mainly consisting of the Country party and the Jacobites. On 1<sup>st</sup> September the Duke apparently led his followers into believing the matter of commissioners would not be discussed that day, prompting them to leave. As soon as most of them had left, a vote was called and won by the Court party, which had thus successfully managed to have the Queen appoint the commissioners; a severe blow to the opposition and a large step towards an incorporating union.

By the end of the session on 21<sup>st</sup> September, it had been decided that both the Scottish and English parliaments would each have 31 commissioners, who would meet the following spring to begin negotiations. Unsurprisingly, the Scottish Commissioners were almost all allied to either Queensberry or Argyll, Court party supporters whose choices ensured that negotiations would run smoothly given that they favoured union. The English commissioners were headed by Lord Godolphin - the Lord Treasurer - and consisted mainly of Whig politicians, largely because Godolphin required their support in Parliament. The Tories, who vehemently opposed union, were not chosen to negotiate it and so were left to voice their displeasure when the treaty was discussed in Parliament. As Allan Macinnes shows, the commissioners "were primarily chosen to reflect party dominance rather than as a balanced representation, in both the English and Scottish parliaments. All prominent Tories, with the exception of John Sharp, Archbishop of York, were absent from the English ranks. Aside from Lockhart of Carnwath, the Scottish commissioners were drawn predominantly from the Court Party reinforced by the Squadron."<sup>117</sup>

Having settled the matter of commissioners, the negotiations for Union began in earnest on 16<sup>th</sup> April 1706 and were to last just three months, being completed on 22<sup>nd</sup> July. Many of the commissioners had been involved in the previous talks in 1702, with fourteen English and twelve Scottish negotiators having had previous experience. The opening speeches by the Englishman William Cowper, Lord Keeper of the Great Seal, and Lord Seafield, the Scottish Lord Chancellor, set the tone for the rather amicable discussions that were to take place. Cowper espoused a safe and happy union whilst Seafield welcomed the securing of the Protestant succession, thereby thwarting Jacobite hopes, as well as the advancement of commerce.

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<sup>117</sup> Macinnes, *Union and Empire*, 278-279.

In reality, much of the groundwork had already been carried out, with both sides well aware of the other's demands. Nevertheless, both sets of Commissioners sat in different rooms at the Cockpit, one of the many government buildings at Whitehall in London, with proposals and counter-proposals being communicated in writing to the other set of commissioners. The first set of proposals was made by the English side which put paid to any lingering Scottish hopes of a federal union. It stated that "the kingdoms were to be united as 'Great Britain' rather than as an England-Scotland amalgam. The 'United Kingdom' was to be represented by one and the same parliament, with its location at Westminster presumed rather than stated. The succession after Queen Anne was to accord with the Act of Settlement that had prescribed the House of Hanover in 1701."<sup>118</sup>

At first sight it may seem quite an ambitious starting proposal, but from the English perspective these were the main arguments for union. If the two sides could not agree on these three points then there would be no point in wasting time on the finer points of union. The Scots, however, had their own prerogative and so on the "25 April, they agreed to meet the three initial English proposals for a 'United Kingdom' with a common parliament and a common monarchy committed to the Hanoverian Succession. In turn, the English accepted free trade throughout the United Kingdom and its overseas dominions."<sup>119</sup>

Unsurprisingly, free trade was the key to any agreement for the Scots as they felt that access to the English colonies would help pull them out of what seemed like a perpetual economic slump. It had been this factor, or the lack of English willingness to grant access to the colonies, that had been the downfall of previous negotiations and so the ability of both sides to compromise was essential. Moreover, both sides had got what they most wanted within just a few days and so the rest of the talks were almost certain to succeed. It seemed as though the following three months were going to be surprisingly easy.

Notwithstanding the relief that must have been felt at having such a strong basis for further discussion, the question remains: what happened to the Scots' idea of a federal union? That was the original plan on their part but it seems as though they quickly dropped it in favour of free trade. As I have already mentioned, much of the

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<sup>118</sup> Macinnes, *Union and Empire*, 281.

<sup>119</sup> *Ibid.*, 281.

groundwork had already been carried out and so the Scots were well aware that the only offer on the table was that of an incorporating union. The reason seems rather clear as England's (or the Monarch's) inability to control the Scottish Parliament had been one of the main reasons for the crisis. The whole point of union, from the English perspective, was to gain control of Scottish politics and a federal union would not serve this purpose. In fact, it may have made the situation even worse as it would have further linked the two economies whilst leaving Scotland with a certain degree of independence. For this reason there was only one solution, incorporating union, meaning an end to the Scottish Parliament and thus Scotland's sovereignty.

### **3.5 The Articles of Union**

After these main points had been agreed upon, a Committee of Both Kingdoms was established in order to work out the finer details regarding revenues, income streams and public debt. This required a comprehensive review of each country's finances, hence the joint committee, which left the full sets of commissioners only needing to ratify the decisions made by the smaller committee. The Treaty that was finally agreed to on 11<sup>th</sup> July and had been signed, sealed and delivered to Queen Anne by 23<sup>rd</sup> July 1706, being subsequently taken back to Edinburgh to be ratified by Parliament. There was no real doubt about whether the English Parliament would ratify the treaty, although it still remained to be seen whether its Scottish counterpart would follow suit. But what exactly had the commissioners agreed to in the 25 Article Treaty?

Firstly, the new British Parliament would consist of 558 MPs with only 45 coming from Scotland, meaning a minute representation of approximately one Scottish MP for every twelfth English or Welsh one. At first sight this might seem somewhat unfair, especially given that Scotland's then population was a fifth of England's. However, at the time, owning property was the main qualification for voting rights and as Neil Davidson points out: "The number of representatives which Scotland was allowed was effectively a compromise between economic and demographic measures, since the Scottish population was then a fifth of the English, but the income which the Land Tax in Scotland was expected to raise for the Exchequer was calculated at less than a fortieth of that raised in England."<sup>120</sup>

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<sup>120</sup> Davidson, *Scottish Revolution*, 130.



Next was the question of what to do with the existing Scottish institutions. The Parliament would of course be abolished, but other than that, the main elements of the Scottish state remained intact, including the legal system - which is still distinctive today - as well as the rights and privileges of the Royal Burghs of Scotland. The education system and the Church of Scotland were not mentioned in the Treaty, the latter almost certainly for ratification purposes, but continued to operate separately from their English counterparts.

As for economic issues, other than free trade, the question of tax had to be resolved and it was decided that the much poorer Scotland would pay “£48,000 p.a. as opposed to England’s £2,000,000. In other words, a ratio of 1:42 or less than £50 per every £2,000 paid by England.”<sup>121</sup> In addition to the tax exemptions on various goods such as paper, windows, coal, salt and malt, Scotland was to receive what became known as the Equivalent, a sum of £398,085 10s, to compensate having to share England’s national debt, adopt English coinage and repay the losses incurred in the Darien Scheme. For the latter, the rather precise sum of £232,884 5s 2/3d was calculated and was probably essential to gaining support for the Treaty. The figures seem to suggest that the Scots got a good deal more out of the bargain than the English, but less than a century later, Scotland’s national bard, Robert Burns (1759 - 1796), was to lament the greed of the Scottish elite who sold Scotland’s independence, in the following poem.

*Such a Parcel of Rogues in a Nation (1791)*<sup>122</sup>

Fareweel to a’ our Scottish fame,  
Fareweel our ancient glory,  
Fareweel even to the Scottish name,  
Sae fam’d in martial story.  
Now Sark rins o’er the Solway sands,  
And Tweed rins to the ocean,  
To mark where England’s province stands—  
Such a parcel of rogues in a nation.

What force or guile could not subdue,  
Thro’ many warlike ages,  
Is wrought now by a coward few  
For hireling traitor’s wages.  
The English steel we could disdain;  
Secure in valour’s station;  
But English gold has been our bane—  
Such a parcel of rogues in a nation.

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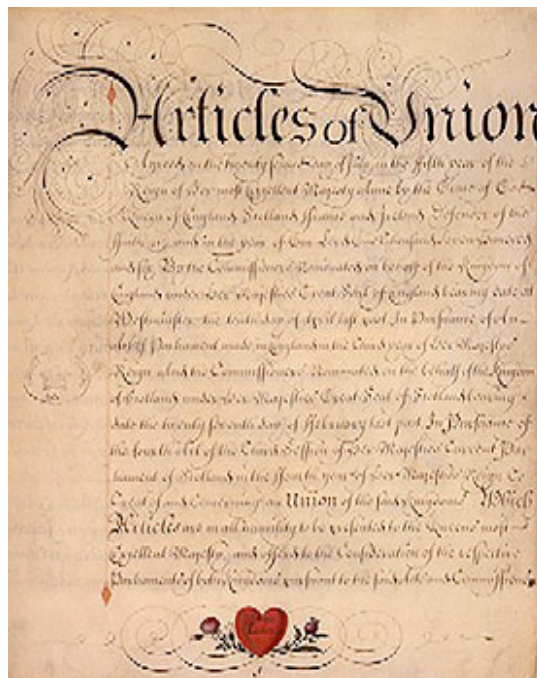
<sup>121</sup> Ibid., 130.

<sup>122</sup> <http://www.robertburns.org/works/344.shtml>

O would, or I had seen the day  
 That treason thus could sell us,  
 My auld gray head had lien in clay,  
 Wi' Bruce and loyal Wallace!  
 But pith and power, till my last hour,  
 I'll mak' this declaration;  
 We've bought and sold for English gold—  
 Such a parcel of rogues in a nation.

Now that the Treaty had been agreed upon<sup>123</sup>, all that remained was for it to be ratified by both sets of parliaments, although this was far from a forgone conclusion. The Tories were the only opponents in England and they were not powerful enough to prevent the English Parliament from being able to ratify the treaty, hence it was expected to pass without much ado. Scotland was a different matter though, which is why it was insisted upon that the Scottish parliament ratify the Treaty first, in case any adjustments needed to be made that might make ratification less likely. After Anne had expressed her delight at an agreement having been found, she urged the Scots to ratify the articles quickly and so in October 1706, the progress began in earnest.

### *The Articles of Union*



<sup>123</sup> A complete version of the original articles can be found in Appendix 1.

### 3.6 The Ratification Process

The Scottish Parliament met again on 3<sup>rd</sup> October 1706 and its main task was to ratify the Articles of Union, thereby extinguishing itself in the process. Queensberry, who became the new High Commissioner, as well as Argyll, were charged with ensuring its smooth passage through Parliament, with the assistance of the Old Party. However, despite the likelihood of the Treaty being passed successfully, “there were still circumstances in which it might come unstuck. Opponents in Parliament might succeed in introducing amendments to the Treaty which would make it unacceptable to the English Parliament, or pressure might build up in the country at large to a level which made withdrawal from the Treaty essential to the restoration of order.”<sup>124</sup>

Despite success looking certain, it was by no means guaranteed, thus requiring Scottish ministers to shore up their support using any measures possible. The most infamous of these measures was the bribing, cajoling and blackmailing of both supporters and opponents in order to get the Treaty passed, using the money from the Equivalent as finance. Furthermore, Church leaders were kept close, as they were in a perfect position to whip up dissent if they felt threatened. Finally, proponents were required to argue the Union’s cause using pamphlets or speeches, as it was clear that the opposition would argue fiercely against it wherever and whenever possible.

The Treaty had been published that summer and its publication had led to a number of treatises opposing the Union, either for reasons of economics or sovereignty. Some were in favour of a federal union but were vehemently against an incorporating one, whereas others saw the Stuart’s as the rightful heirs to the thrones and only their restoration would do; the Treaty consigning their claim to history being the main reason for their objections. Presbyterians worried about the security of their church whereas some thought the monarchy should be abolished altogether and a new commonwealth established. Whatever the reasons, there were manifold objections to Union but not a single overarching one that brought the opponents firmly together. This made them a much more fractious group than the proponents, a fact that was to prove decisive.

Where was it hoped the Treaty could be defeated? According to John Robertson: “There were two points at which the Treaty was believed to be particularly vulnerable. The first was the right of parliament to accept the treaty, and hence vote itself out of existence, without first consulting the freeholders who elected it...The second issue

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<sup>124</sup> Robertson, “An Elusive Sovereignty” in *A Union for Empire*, 216.

repeatedly raised by the Treaty's opponents concerned the security which the Scots would enjoy once the new Parliament of Great Britain, with its overwhelming English membership, had assumed the sovereignty previously held by the Scottish parliament."<sup>125</sup>

As Robertson goes on to show, the first argument was a non-starter for many anti-unionists simply because it advocated a feudal society, which many wanted to escape from just as much as they wished to avoid union. Moreover, even though there were calls for all freeborn men and women to decide on the nation's sovereignty, there was never a concerted effort for Scotland as a whole to decide.

The second point held more weight, especially when one considers the religious tensions that existed at the time and previous examples. Denmark's exploitation of Sweden in the 15<sup>th</sup> century, after they had unified, was proof to many that a predominantly English parliament would clearly favour the Episcopal Church of England over the independence of the Scottish Kirk, thereby increasing fears of later religious impositions.

Regardless of the arguments over the Union, the Scottish Parliament voted in favour of beginning the proceedings on 15<sup>th</sup> October, with a clear majority of 116 votes to 52. However, despite this achievement, it was to be a long, hard process to ratify all 25 articles, especially as the opposition had every intention of scrutinising every last point. It was not even to be until 4<sup>th</sup> November that the first article was discussed, although this provided one of the defining moments for the opposition. Lord Belhaven - a staunch opponent of Union - gave an unforgettable speech that stunned the Members of Parliament. "In a long, almost hysterical speech, he compared the proposed treaty to an act of murder, with Scotland's ancient mythic mother, Caledonia, expiring under the dagger blows of her treacherous sons, as her dying breath paraphrased Shakespeare's Julius Caesar: 'And you too, my children!'"<sup>126</sup>

In Arthur Herman's description of the speech, maybe this is somewhat exaggerated. Nevertheless, the speech itself is a magnificent example of oratory brilliance and some of his arguments are still seen today as relevant reasons for Scottish independence. Here is a short excerpt from Belhaven's speech, which I have chosen

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<sup>125</sup> Ibid., 218-219.

<sup>126</sup> Arthur Herman, *The Scottish Enlightenment: The Scots' Invention of the Modern World* (London 2001) 46.

because it speaks to many different levels of Scottish society, and so is an accurate description of what Belhaven was trying to say.<sup>127</sup>

I think I see the valiant and gallant Soldiery either sent to learn the Plantation-Trade abroad; or at home petitioning for a small Subsistence, as a Reward of their honorable Exploits; while their old Corps are broken, the common Soldiers left to beg, and the youngest English Corps kept standing.

I think I see the honest industrious Tradesman loaded with new Taxes and Impositions, disappointed of the Equivalents, drinking Water in place of Ale, eating his saltless Pottage, petitioning for Encouragement to his Manufactures, and answered by Counter-Petitions.

In short, I think I see the laborious Ploughman, with his Corn spoiling upon his Hands, for want of Sale, cursing the Day of his Birth, dreading the Expence of his Burial, and uncertain whether to marry or do worse.

I think I see the incurable Difficulties of the Landed Men, fettered under the golden Chain of Equivalents, their pretty Daughters petitioning for want of Husbands, and their Sons for want of Employment.

I think I see our Mariners delivering up their Ships to their Dutch Partners; and what through Presses and Necessity, earning their Bread as Underlings in the royal English Navy.

But above all, my Lord, I think I see our ancient Mother Caledonia, like Cæsar, sitting in the midst of our Senate, ruefully looking round about her, covering herself with her royal Garment, attending the fatal Blow, and breathing out her last with an *Et tu quoque mi fili*.<sup>128</sup>

Notwithstanding Belhaven's appeal for patriotism, the logic of the situation seemed abundantly clear, as William Seton of Pitmedden pointed out: "Every Monarch, having two or more Kingdoms, will be obliged to prefer the Counsel and Interest of the Stronger to that of the Weaker: and the Greater Disparity of Power and Riches there is, betwixt these Kingdoms, the greater Influence the more powerful will have on the sovereign."<sup>129</sup>

As Neil Davidson rightly concludes, this was the one point that everyone agreed upon. Scotland had suffered greatly since the Union of the Crowns for exactly that reason and it was clear that the status quo could not continue, especially if Scotland wanted to advance. The solution, however, was what had caused such great divisions in Scotland and the options remaining to the Scots were not particularly various. As a small

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<sup>127</sup> The full account can be found in Appendix 2.

<sup>128</sup> John Hamilton, 2nd Lord Belhaven and Stenton, Speech against the Union by Given to the Scottish Parliament in Edinburgh, November 1706.

<sup>129</sup> Davidson, *Scottish Revolution*, 141.

nation, Scotland would invariably have to ally itself with a larger country, the only realistic options being England, France or Holland. Holland traded the same kinds of goods as Scotland and so this seemed a non-starter, leaving a clear choice between France and England. As William Seton surmised: "...[F]rom France few advantages can be reaped, till the old offensive and defensive league be revived betwixt France and Scotland, which would give umbrage to the English, and occasion a War betwixt them and us. And allying the Scots, in such a venture, with the assistance of France, to conquer England; Scotland by that conquest would not hope to better its present state; for it is more than probable, the conquerer would make his residence in England".<sup>130</sup>

What Seton was saying was that the Scottish Parliament had little choice but to unify with England as it was the least bad solution. Union with France would lead to a war with England in which neither outcome was favourable to Scotland. Victory would leave the Scots with an absentee monarch, as had been the case since 1603, and it was for exactly this reason that the current predicament had arisen. Defeat would lead to an English conquest and quite possibly a forced union on much worse terms than were presently being discussed. The only real choice Parliament had was to discuss the kind of union.

After much debate, Parliament finally voted on the first article, which passed with 116 votes for and 83 against. The following table shows the distribution of the votes according to party lines<sup>131</sup>:

<i>For</i>		<i>Against</i>	
Court	84	Countrymen and Cavaliers	70
Squadron	25	Court cross votes	13
Country cross votes	6		
Seafield	1		
	<u>116</u>		<u>83</u>

But what did that mean for the rest of the Treaty? Was the majority large enough to push the rest of it through? On the whole, yes, although the majority was not so large

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<sup>130</sup> Ibid., 141-142.

<sup>131</sup> P.W.J. Riley "The Union of 1707 as an Episode in English Politics." *The English Historical Review* 84/332 (July 1969) 523.

that each article could be assured of being passed, which was essential to Union taking effect. The Squadron had clearly decided to vote with the Court Party, making its passage through Parliament that much easier, yet certainty was not guaranteed. The opposition, despite realising they would struggle to stop the Treaty, recognised that their only chance of success lay in the population at large, the vast majority of whom were vehemently opposed to Union. If they could whip up large scale popular pressure, the commissioners may be forced into amending the Treaty, which would increase the likelihood of the English Parliament rejecting it. Queensberry, the Lord High Commissioner, realised that the majority of 33 gained for the first article may not be large enough to guarantee success and so he set about consolidating his vote and pacifying the opposition.

It is worth noting that there was an infamous spy during the Union process in Scotland by the name of Daniel Defoe, a journalist and the author of *Robinson Crusoe*. He was originally employed by the English Government to promote Union in England but in 1706 he was sent to Edinburgh to report on the Treaty's progress in Scotland. He was somehow able to find a seat on both the Church of Scotland and the Scottish Parliament's advisory councils and even managed to influence some of the proposals that were put to Parliament. It is largely from his writings, such as 1709 book, *History of the Union*, that we have so many vivid descriptions of how the Union process unfolded north of the border as he recorded much of the popular unrest that resulted in the lead up and aftermath. His literary skills are apparent in the numerous reports, pamphlets and poems that he wrote, many of which were influential in convincing Scottish MPs to vote for Union.

It was on the same day that the first article was passed that steps were taken to pacify the Kirk; its fear of Union being one of the stumbling blocks to ratification. The Treaty made no mention of religion, most likely in order to prevent criticism from various partisan groups, although this did nothing to calm fears regarding religious impositions. The Kirk worried about the introduction of Episcopalian bishops into church life, thereby restricting their religious freedom and having government control exerted on religious matters. The early 18<sup>th</sup> century was a world where religion and politics went hand in hand and were impossible to separate, which is why this issue was so important. It is exactly for this reason that the Court Party introduced the Act for Securing the Protestant Religion and Presbyterian Church Government, which was

subsequently included as part of the Treaty. This “move to ameliorate the Kirk came not a minute too soon”<sup>132</sup> as the Treaty would otherwise have had a much rougher ride and may even have been defeated. The said Act “made no concessions to toleration for Episcopalians [and] conformed to the parliamentary remit prescribed by Queen Anne and promoted by Seafield.”<sup>133</sup>

The opposition now had a real fight on its hands to keep the Treaty at bay as the pacification of the Kirk meant that it would be much more difficult to stir up discontent. Without preachers delivering sermons against the Union, the mobilisation of large numbers of protesters would be even harder, especially as many laymen were satisfied that their religion was secure. Having said that, religion was of course not the only factor concerning opposition to Union and so the Act for Securing the Protestant Religion and Presbyterian Church Government did not wipe out discontent; it simply reduced the amount of opposition to manageable levels, though it was still considerably high. Proof of this opposition comes from the many public addresses given at the time and the “over 20,000 signatures, including many from those of middling to lower social ranks. These addresses strove to convince parliament and the government of an overwhelming public consensus against incorporation. Together they hinted at the danger of popular resistance to union, with some texts making this threat explicit.”<sup>134</sup>

Nevertheless, many of the complaints centred around various aspects of the Treaty that could be amended and were not essential to either the English or the Scots. This meant that, despite objection to an incorporating union and the loss of the Scottish Parliament, many were unwilling to risk their livelihoods to keep the dream of a federal union alive. If economic concessions could be won from the English, then the reasons for opposing Union would be superficial.

With the Kirk pacified, only minor economic concessions would very likely make ratification in Scotland a formality, thereby enabling the English Parliament to quickly ratify the Treaty. But what were these concessions and would they really make a difference?

The economic concerns regarding Union could be summarised as follows: “For the classes below the nobility and the merchant elite the Union offered, above all else, higher taxation. Moreover, although it was not mentioned in the Treaty, it was quite

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<sup>132</sup> Davidson, *Scottish Revolution*, 144.

<sup>133</sup> Macinnes, *Union and Empire*, 286.

<sup>134</sup> Bowie, *Scottish Public Opinion and the Anglo-Scottish Union*, 115.



clear that a more rigorous Customs and Excise regime on the English model was to be imposed for the purpose of thwarting the smuggling operations which provided both illegal employment for many inhabitants of the east coast and access to cheap goods, especially wine, elsewhere.”<sup>135</sup>

Therefore for many, these monetary concerns were the main reasons for opposing Union. If these concerns could be relieved, then active opposition could be further reduced thus making ratification a foregone conclusion. The subsequent amendments to the Treaty, which reduced taxes to be paid and made concessions to reduce the impact on the poor, have often been seen as minor and not making that much difference to the overall outcome. However, I find this hard to believe simply because people at the time were willing to make these concessions, which means that they must have been of some use, otherwise they would not have been made. In hindsight, it is easy to conclude that Union was inevitable, yet for contemporaries it would not have been so obvious. Despite Union looking increasingly likely, it was by no means guaranteed, hence the commissioners were willing to make concessions in order to shore up support for the Treaty. Indeed, as Julian Goodare concludes: “While Scots went into union very much as Scots rather than as Britons, they were also mindful of their interests as Protestants, as capitalists, or as consumers.”<sup>136</sup>

Finally, on the 14<sup>th</sup> January 1707, the 25<sup>th</sup> and last Article was ratified by the Scottish Parliament and on the 16<sup>th</sup>, the amendments were made part of the Act itself. The *Act of Ratification* was then voted upon and the pro-Union Court Party, along with the Squadron, won a comfortable majority, defeating the Country Party by 110 votes to 69, as the table shows<sup>137</sup>.

<i>For</i>		<i>Against</i>	
Court	77	Countrymen and Cavaliers	59
Squadron	24	Court cross votes	10
Country cross votes	8		
Seafield	1		
	<u>110</u>		<u>69</u>

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<sup>135</sup> Davidson, *Scottish Revolution*, 154.

<sup>136</sup> Julian Goodare, *State and Society in Early Modern Scotland* (Oxford 1999) 338.

<sup>137</sup> Riley, *The Union of 1707 as an Episode in English Politics*, 524.

After Queensberry had touched the Act with the royal sceptre, the matter was no longer one for the Scottish Parliament. Now the English Parliament had to ratify the Treaty.

### **3.7 Ratification in England**

The ratification process in England was somewhat simpler than that in Scotland, largely because it was quite clear that the majority of MPs were for Union. Queen Anne presented the Articles of Union to both Houses of Parliament on 28<sup>th</sup> January 1707, just 12 days after the Edinburgh Parliament had ratified them.

However, there were some opponents, mainly Tory MPs and Anglican hardliners, who both disliked the freedom that the Scottish Kirk had been given. They felt that the Presbyterians in Scotland were a potential threat to their religion, especially as both claimed to represent the true Protestant faith. To further complicate matters, English Anglican bishops made up a significant number of those sitting in the House of Lords, meaning that they were directly involved in ratification. The English government had a problem on its hands but it was glad to see “the hierarchy of the Church of England, led by Archbishop Tenison of Canterbury, c[o]me to the aid of the English ministry by agreeing the format for an Act to secure the Anglican establishment that paralleled that for the Presbyterian establishment in Scotland”.<sup>138</sup>

In effect, the Anglicans were only asking for the same treatment that the Scottish Kirk had been given and so it was only fair that a bill securing the Anglican Church was quickly passed. This bill did much to pacify the moderate Tories although the extremists were never likely to be satisfied. Nevertheless, their number were too few to have any major impact on the ratification process.

The House of Commons began discussing the Treaty on 1<sup>st</sup> February and were already finished by the 11<sup>th</sup>, having passed all 25 Articles in just two sittings. This can be put down to the large majority that the Court Party and Junto had, as well as the assistance of moderate Tories. The Lords was to prove a little trickier even though ratification was never in doubt. Proceedings began on 15<sup>th</sup> February and were completed by the 27<sup>th</sup>. “Their ire was notably directed against Presbyterianism, the

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<sup>138</sup> Macinnes, *Union and Empire*, 307.

greater Equivalent, the capacity of Scots to pay land tax and other public dues, and Scottish representation by sixteen peers, which they deemed too generous.”<sup>139</sup>

However, the Tories made their feelings felt by putting many articles to the vote, yet the opposition never garnered more than 23. After the Commons had approved a bill to ratify the Articles, the Tory peers again questioned the Union on these terms, but were unsurprisingly unsuccessful. On 6<sup>th</sup> March 1707, the Queen gave the bill royal assent, thus ratifying the Union.

### **3.8 Final Formalities**

Even though Union had been agreed and ratified, there still remained some points that the Scottish Parliament had to clear up before it became non-existent. The main task was to decide from where the 45 Scottish MPs in the new British Parliament would come, although it did not take long to agree they should at least be current members of the Scottish Parliament. This negated the need to call another election, which would by and large probably have ended up sending many anti-unionists to London. However, there were currently well over 170 Scottish MPs and so this number had to be drastically reduced. This was done by choosing thirty MPs to represent the counties and a further fifteen to represent the burghs or boroughs. The burghs were not particularly happy at this as they had previously each had their own MP. Now the 66 burghs were grouped together, with one district covering four or five burghs, each district having one MP. The sixteen peers were voted for by the other peers, who numbered 154 in total and rather predictably chose the Court Party’s main supporters.

Not one to forget who its main benefactors should be, the Scottish Parliament, in one of its final acts, paid the Union commissioners’ expenses as well as those commissioners who had taken part in the earlier negotiations of 1702-1703.

The final version of the articles which was drawn up after both parliaments had ratified them was officially known as “The Exemplification under the Great Seal of England, of the Act of Parliament of that Kingdom, entitled an Act for an Union of the two Kingdoms of England and Scotland.” This document, as one can see below, was designed to be a symbol of the greatness of the occasion and the importance it had for both kingdoms. It was marvellously decorated with a portrait of Queen Anne on the first page as well as coats of arms and symbols representing Scotland, England and Ireland

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<sup>139</sup> Ibid., 308.

on every page. This eleven-page document carefully recites all the agreements regarding the Union, from the agreement of the Articles up to the method of how the Scottish Westminster MPs would be elected.

### *The Exemplification<sup>140</sup>*



After the Scottish Parliament had received the Exemplification and finalised outstanding matters, it met for the last time on 25th March, when Queensberry - who was still the Lord High Commissioner - gave a speech to a packed house. He thanked those present and espoused his firm belief that Union was in the interests of Scotland. The Parliament was then adjourned and the Scottish MPs left the building for the final time.

### **3.9 1<sup>st</sup> May 1707**

The Union came into effect on 1<sup>st</sup> May 1707 when the separate kingdoms of Scotland and England became the United Kingdom of Great Britain. However, the reaction of the respective populaces was vastly different. "Whereas there were

<sup>140</sup> [http://www.parliament.uk/actofunion/exemplification\\_static.html](http://www.parliament.uk/actofunion/exemplification_static.html)

celebratory bonfires and the ringing of bells throughout England, the only commemorative sounds heard north of Berwick were the precautionary movement of an additional company of guards into Edinburgh and plaintive laments played on the church bells of the city, commencing with ‘Why should I be sad on my wedding day?’”<sup>141</sup>

The Queen attended a service at St Paul’s Cathedral along with Queensberry and the sixteen Scottish peers, although the 45 commoners stayed largely at home, lamenting the loss of sovereignty with their compatriots. Whilst the English celebrated, the Scots wallowed, which is how Scottish nationalists have remembered the Union ever since. After the Union, the free trade between Scotland, England and the colonies took time to build up and the adjustment to new rules and a new system took its toll on an initially weak Scotland. It was to take nearly half a century for tangible benefits of Union to emerge for Scotland with the immediate aftermath of Union proving as difficult as before.

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<sup>141</sup> Macinnes, *Union and Empire*, 313.

## Conclusion

The Union of Scotland and England in 1707 is arguably one of the major turning points of the 18<sup>th</sup> century in Europe and quite possibly the most important treaty in British history. The formation of the United Kingdom of Great Britain led to the creation of a major power which later went on to dominate the globe. But how should one interpret the reasons for Union, and did Scottish colonial failure really have any impact on the whole process?

Chapter two showed that Darien was a complete disaster for Scotland and its failure meant that one quarter of Scotland's liquid assets had been lost.<sup>142</sup> Those that had survived were outcasts in their own country as this extract from a letter, by the previously mentioned Roger Oswald, shows: "Since it pleased God that I have preserved [my life], and had not the good fortune (if I may term it so) to lose it in that place, and so have been happy by wanting the sight of so many miseries that have come upon myself... I never intended, nor do intend, to trouble my father any more."<sup>143</sup> He had been disowned by his father and was clearly a disillusioned man.

William Paterson, the architect of the grand design who lost his wife and child on the forsaken isthmus, returned to Scotland extremely disheartened although he never gave up hope of forming a colony at Darien. He was an avid supporter of the Union with England and even took steps towards forming a British colony there. However, it did not come to fruition and he died in London in 1719.

To summarise the costs regarding the failure of the Darien Scheme I will quote T. C. Smout, who concluded: "The net result by 1701, when the extent of the failure was realized, was a crisis of major proportions; and in addition to the loss at Darien, the loss through the French war that might be renewed at any moment and the loss of markets in England and Europe, four or five seasons of famine from 1695 or 1696 to 1699 inclusive had led to a serious worsening of the always tricky balance of payments problem. When contemporaries at the turn of the century observed the falling volumes of overseas trade, the widespread vagrancy and unemployment, and the national exchequer practically empty of funds, it seemed to them that Scotland was on the verge of economic collapse."<sup>144</sup>

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<sup>142</sup> Royal Bank of Scotland. *The Darien Adventure*.

<sup>143</sup> Ibeji, *The Darien Venture*.

<sup>144</sup> Smout, *The Anglo-Scottish Union of 1707*, 459.

These huge economic problems for Scotland were just some of the main reasons why its parliament felt it had little choice but to sign the Act of Union, thereby signalling the end of Scottish sovereignty. Scotland's representatives in Parliament realised that the Union of the Crowns had severe limitations and that it had caused widespread hardship. It was clear that another alternative had to be found, yet this had been evident from the early 17<sup>th</sup> century and still no agreement had been made. From this perspective it is difficult to criticise those who finally agreed to a solution, regardless of their reasons for doing so.

The Treaty's carrot was nearly £400,000 in order to cover Scotland's debts, largely accrued from the *Company of Scotland's* losses, although considering many of those in Parliament had lost a small fortune in the venture, it is hardly surprising that they voted in favour. Yet would many others have done differently? Andrew Fletcher, quite possibly, but other than him there was no one who acted entirely selflessly and I severely doubt that those Scottish Nationalists who denounce the Union would do any differently than the Duke of Hamilton, who duped his supporters into leaving the Parliament before the vote on the commissioners.

Nevertheless, bearing in mind that England played a large part in the Darien Scheme's failure, it seems only fair that it should make up for the loss by paying the so-called Equivalent. However, the Darien disaster cannot only be put down to English interference. True, its opposition and indirect sabotage played large roles in its failure, but it was also a mixture of bad organisation, planning and a lack of experience that cost Scotland in the end. Furthermore, King William and the English Parliament thwarted Scottish colonial plans because of their self-interest, which in my view is entirely understandable.

English reasons for Union were just as pragmatic as they needed to secure the Hanoverian Succession. In the end it was probably realised that it would have been more costly to go to war with Scotland and risk French invasion than to cede economic concessions to the Scots, hence the change of heart regarding trading access to the North American colonies. Uniting the whole of Britain meant that continental wars remained just that, continental, relieving the British Isles of the threat of invasion. Sharing one Protestant monarch and one parliament meant that England could present a united front and concentrate on the Other abroad as opposed to the Other at home.

As for the importance of the Darien Scheme for Scotland agreeing to Union, I would say that its failure acted as a catalyst for Scottish parliamentary representatives to agree to the Treaty both because they personally gained from it, but also because they saw the necessity of it. Why would anyone reject a Treaty that guarantees them a large sum of money and gives them a bigger platform to fulfil their goals? If the scheme had not failed, it is likely that a union treaty would never have been agreed in 1706 because the matter would not have been pressing enough. However, having said that, even if the venture had been successful, the British monarch's ability to keep Scotland under control would have been further diminished, meaning that England would still have required some form of union. The French threat existed regardless, and so the Scots had to be brought into line. For Scotland, the dissatisfaction with the regal union would have been present nevertheless, although less pressing, meaning that a change in the constitutional arrangement would have been preferable to the status quo. This is why I personally believe that some form of union would have occurred in the early 18<sup>th</sup> century as both countries needed it, irrespective of Darien. Maybe the Scots could have negotiated from a stronger position as their economy may have been in better shape and so perhaps a federal union could have been achieved. Nonetheless, at some point something had to be done about the succession and the French threat.

Despite sharing the same monarch, there was a significant difference between Scotland and England in the 17<sup>th</sup> century. Each country had its own parliament which acted in the country's best interests, and so it is misleading to talk of Great Britain at this time, even though James VI and I touted himself as the King of the said state. However, the similarities between the two vastly outweighed the differences, and that they still do, leading me to wonder whether the failure of the Darien Scheme was such a bad thing after all. After the Union of 1707, Scotland had the chance to make up for lost time and took the opportunity with both hands, becoming an important part of the British Empire. When one considers the size of Scotland in comparison to England, especially its vastly smaller population, it punched well above its weight in terms of administrators within the empire and gained much more influence than it would have had, had it remained independent.<sup>145</sup>

The two Jacobite Rebellions, in 1715 and 1745, attempted to restore the Stuarts to the throne but both were ultimately unsuccessful. The first rebellion had large scale

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<sup>145</sup> Ferguson, *Empire*, 45.



support in Scotland as the tangible benefits of Union had not yet emerged. The majority of the population was dissatisfied with Union and saw the Old Pretender and his Jacobites as a way out of their predicament. However, military incompetence eventually led to the uprising's failure and so support fizzled out. In 1745 it was a different story. This time the Old Pretender's son, the would-be Charles III - otherwise known as Bonnie Prince Charlie or the Young Pretender - invaded, and his support came largely from the Highlands as many Lowlanders were satisfied with the Union. The benefits that had been promised in 1707 were beginning to materialise, with Glasgow emerging as a major port in the tobacco trade. Despite initial successes, Bonnie Prince Charlie's army was forced to retreat and he was eventually defeated at Culloden in February 1746.<sup>146</sup>

I believe that the Union was a good thing for Scotland and that the benefits it brought vastly outweighed the disadvantages. Even if the Darien Scheme had been successful, I doubt it would have brought as much prosperity to Scotland as being an integral part of the British Empire did, which leads me to conclude that the Darien Scheme's failure was a necessary evil. If it had not failed, the Union of 1707 would have been unlikely, even though the likelihood of at least some sort of later union remained high. But who knows what kind of union this would have been?

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<sup>146</sup> Daniel Szechi, *The Jacobites: Britain and Europe 1688 - 1788* (Manchester 1994).

## **Appendix**

### ***1. The Articles of Union***

I. ‘That the two Kingdoms of (fn. 1) Scotland and England, shall, upon the first Day of May next ensuing the Date hereof, and for ever after, be united into one Kingdom by the Name of Great-Britain, and that the Ensigns Armorial of the said united Kingdom, be such as her Majesty shall appoint; and the Crosses of St. Andrew and St. George be conjoined in such a manner as her Majesty shall think fit, and used in all Flags, Banners, Standards, and Ensigns, both at Sea and Land.

II. ‘That the Succession to the Monarchy of the united Kingdom of Great-Britain, and of the Dominions thereunto belonging, after her most sacred Majesty, and in default of Issue of her Majesty, be, remain, and continue to the most Excellent Princess Sophia, Electress and Duchess Dowager of Hanover, and the Heirs of her Body, being Protestants, upon whom the Crown of England is settled, by an Act of Parliament made in England, in the twelfth Year of the Reign of his late Majesty King William the Third, entitled, An Act for further Limitation of the Crown, and better securing the Rights and Liberties of the Subject. And that all Papists, and Persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the imperial Crown of Great-Britain, and the Dominions thereunto belonging, or any Part thereof. And in every such Case, the Crown and Government shall from Time to Time descend to, and be enjoyed by such Person, being a Protestant, as should have inherited and enjoyed the same, in case such Papist, or Person marrying a Papist, was naturally dead, according to the Provision for the Descent of the Crown of England, made by another Act of Parliament in England, in the first Year of the Reign of their late Majesties King William and Queen Mary, entitled, An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown.

III. ‘That the united Kingdom of Great-Britain be represented by one and the same Parliament, to be stiled the Parliament of Great-Britain.

IV. ‘That all the Subjects of the united Kingdom of Great-Britain shall, from and after the Union, have full Freedom and Intercourse of Trade and Navigation, to and from

any Port or Place within the said united Kingdom, and the Dominions and Plantations thereunto belonging; and that there be a Communication of all other Rights, Privileges, and Advantages, which do or may belong to the Subjects of either Kingdom, except where it is otherwise expressly agreed in these Articles.

V. 'That all Ships or Vessels, belonging to her Majesty's Subjects of Scotland, at the Time of ratifying the Treaty of Union of the two Kingdoms, in the Parliament of Scotland, though foreign built, be deemed, and pass as Ships of the Build of Great-Britain; the Owner, or where there are more Owners, one or more of the Owners, within twelve Months after the first of May next, making Oath, that, at the Time of ratifying the Treaty of Union in the Parliament of Scotland, the same did, in whole, or in part, belong to him or them, or to some other Subject or Subjects of Scotland, to be particularly named, with the Place of their respective Abodes; and that the same doth then, at the time of the said Deposition, wholly belong to him, or them, and that no Foreigner, directly or indirectly, hath any Share, Part, or Interest therein. Which Oath shall be made before the chief Officer or Officers of the Customs, in the Port next to the Abode of the said Owner or Owners: And the said Officer or Officers, shall be empowered to administrate the said Oath: And the Oath being so administrated, shall be attested by the Officer or Officers, who administrated the same. And, being registered by the said Officer or Officers, shall be delivered to the Master of the Ship for Security of her Navigation; and a Duplicate thereof shall be transmitted by the said Officer or Officers, to the chief Officer or Officers of the Customs in the Port of Edinburgh, to be there entered in a Register, and from thence to be sent to the Port of London, to be there entered in the general Register of all trading Ships belonging to Great-Britain.

VI. 'That all Parts of the united Kingdom, for ever, from and after the Union, shall have the same Allowances, Encouragements, and Draw-backs, and be under the same Prohibitions, Restrictions, and Regulations of Trade, and liable to the same Customs and Duties, and Import and Export. And that the Allowances, Encouragements, and draw-backs, Prohibitions, Restrictions, and Regulations, of Trade, and the Customs and Duties on Import and Export settled in England, when the Union commences, shall, from and after the Union, take place throughout the whole united Kingdom.' Excepting and reserving the Duties upon Export and Import, of such particular Commodities, from

which any Persons, the Subjects of either Kingdom, are specially liberated and exempted by their private Rights, which, after the Union, are to remain safe and entire to them in all respects, as before the same. And that from, and after the Union, no Scots Cattle carried into England, shall be liable to any other Duties, either on the public or private Accounts, than these Duties, to which the Cattle of England are, or shall be liable within the said Kingdom. And seeing, by the Laws of England, there are Rewards granted upon the Exportation of certain kinds of Grain, wherein Oats grinded or ungrinded are not expressed, that from, and after the Union, when Oats shall be sold at fifteen Shillings Sterling per Quarter, or under, there shall be paid two Shillings and Six-pence Sterling for every Quarter of the Oatmeal exported, in the Terms of the Law, whereby, and so long as Rewards are granted for Exportation of other Grains; and that the Beer of Scotland, have the same Reward as Barley: And in respect the Exportation of Victual into Scotland from any Place beyond Sea, would prove a Discouragement to Tillage, therefore that the Prohibition, as now in Force by the Law of Scotland, against Importation of Victual from Ireland, or any other Place beyond Sea into Scotland, do, after the Union, remain in the same Force as now it is, until more proper and effectual Ways be provided by the Parliament of Great Britain, for discouraging the Importation of the said Victual from beyond Sea.

VII. 'That all Parts of the united Kingdom be for ever, from, and after the Union, liable to the same Excises upon all excisable Liquors,' Excepting only that the thirty-four Gallons English Barrel of Beer or Ale, amounting to twelve Gallons Scots present Measure, sold in Scotland by the Brewer at nine Shillings Six pence Sterling, excluding all Duties, and retailed, including Duties, and the Retailers Profit at two Pence the Scots Pint, or eighth Part of the Scots Gallon, be not after the Union liable on account of the present Excise upon excisable Liquors in England, to any higher Imposition than two Shillings Sterling upon the foresaid thirty-four Gallons English Barrel, being twelve Gallons the present Scots Measure. 'And that the Excise settled in England on all other Liquors, when the Union commences, take place throughout the whole United Kingdom.

VIII. 'That, from and after the Union, all foreign Salt which shall be imported into Scotland, shall be charged at the Importation there, with the same Duties as the like Salt is now charged with being imported into England, and to be levied and secured in the

same manner.' But in regard the Duties of great Quantities of foreign Salt imported, may be very heavy upon the Merchants Importers, that therefore all foreign Salt imported into Scotland, shall be cellered and locked up under the Custody of the Merchant Importer, and the Officers employed for levying the Duties upon Salt; and that the Merchant may have what Quantities thereof his Occasions may require, not under a Weigh or forty Bushels at a Time, giving Security for the Duty, of what Quantities he receives, payable in six Months. 'But Scotland shall, for the space of seven Years, from the said Union, be exempted from paying in Scotland for Salt made there, the Duty or Excise now payable for Salt made in England; but, from the Expiration of the said seven Years, shall be subject and liable to the same Duties as Salt made in England, to be levied and secured in the same manner, and with proportionable Draw- backs and Allowances as in England, with this Exception,' That Scotland shall, after the said seven Years, remain exempted from the Duty of two Shillings and four Pence the Bushel on home-Salt, imposed by an Act made in England in the ninth and tenth Years of King William the Third of England; and if the Parliament of Great-Britain shall, at, or before the expiring of the said seven Years, substitute any other Fund, in place of the said two Shillings and four Pence of Excise upon the Bushel of home Salt, Scotland shall, after the said seven Years, bear a Proportion of the said Fund, and have an Equivalent in the Terms of this Treaty. 'And that, during the said seven Years, there shall be paid in England for all Salt made in Scotland, and imported from thence into England, the same Duties upon the Importation, as shall be payable for Salt made in England, to be levied and secured in the same manner as the Duties on foreign Salt are to be levied and secured in England. And that, after the said seven Years,' how long the said Duty of two Shillings four Pence a Bushel upon Salt is continued in England, the said two Shillings four Pence a Bushel, shall be payable for all Salt made in Scotland, and imported into England, to be levied and secured in the same manner; and that during the Continuance of the Duty of two Shillings four Pence a Bushel upon Salt made in England,' no Salt whatsoever be brought from Scotland to England by Land in any manner, under the Penalty of forfeiting the Salt, and the Cattle and Carriages made use of in bringing the same, and paying twenty Shillings for every Bushel of such Salt, and proportionably for a greater or lesser Quantity, for which the Carrier as well as the Owner shall be liable, jointly and severally, and the Persons bringing or carrying the same, to be imprisoned by any one Justice of the Peace, by the space of six Months without Bail, and until the Penalty be paid. And, for

establishing an Equality in Trade, that all Flesh exported from Scotland to England, and put on Board in Scotland, to be exported to Ports beyond the Sea,' and Provisions for Ships in Scotland, and for foreign Voyages, may be salted with Scots Salt, paying the same Duty for what Salt is so employed, as the like Quantity of such Salt pays in England, and under the same Penalties, Forfeitures and Provisions, for preventing of such Frauds as are mentioned in the Laws of England: 'And that, from and after the Union, the Laws and Acts of Parliament in Scotland for pineing, curing and packing of Herrings, white Fish and Salmon, for Exportation with foreign Salt only, without any Mixture of British or Irish Salt; and for preventing of Frauds, in curing and packing of Fish, be continued in Force in Scotland, subject to such Alterations as shall be made by the Parliament of Great-Britain; and that all Fish exported from Scotland to Parts beyond the Seas, which shall be cured with foreign Salt only,' and without Mixture of British or Irish Salt, shall have the same Eases, Premiums and Draw-backs, as are or shall be allowed to such Persons as export the like Fish from England: 'And that for Encouragement of the Herring-fishing,' there shall be allowed and payed to the Subjects, Inhabitants of Great-Britain, during the present Allowances for other Fishes, ten Shillings five Pence Sterling for every Barrel of white Herring, which shall be exported from Scotland; and that they shall be allowed five Shillings Sterling for every Barrel of Beef or Pork salted with foreign Salt, without Mixture of British or Irish Salt, and exported for Sale from Scotland to Parts beyond Sea, alterable by the Parliament of Great-Britain. 'And if any Matters of Frauds, relating to the said Duties on Salt, shall hereafter appear, which are not sufficiently provided against by this Article, the same shall be subject to such further Provisions, as shall be thought fit by the Parliament of Great-Britain.

IX. 'That whenever the Sum of one Million nine hundred ninety-seven Thousand, seven Hundred and sixty-three Pounds, eight Shillings, four Pence Half-penny, shall be enacted by the Parliament of Great-Britain, to be raised in that Part of the united Kingdom, now called England, on Land and other Things usually charged in Acts of Parliament there, for granting an Aid to the Crown by a LandTax; that Part of the united Kingdom, now called Scotland, shall be charged by the same Act, with a further Sum of forty-eight thousand Pounds, free of all Charges, as the Quota of Scotland to such Tax, and so proportionably for any greater or lesser Sum raised in England, by any Tax on Land, and other Things usually charged, together with the Land; and that such Quota for

Scotland, in the Cases aforesaid, be raised and collected in the same manner as the Cess now is in Scotland, but subject to such Regulations in the manner of collecting, as shall be made by the Parliament of Great-Britain.

X. 'That, during the continuance of the respective Duties on stamped Paper, Vellom and Parchment, by the several Acts now in Force in England, Scotland shall not be charged with the same respective Duties.

XI. 'That, during the continuance of the Duties payable in England on Windows and Lights, which determines on the first Day of August, one thousand seven hundred and ten, Scotland shall not be charged with the same Duties.

XII. 'That, during the continuance of the Duties payable in England on Coals, Culm and Cinders, which determines the thirtieth Day of September, one thousand seven hundred and ten, Scotland shall not be charged therewith for Coals, Culm and Cinders consumed there, but shall be charged with the same Duties as in England, for all Coals, Culm and Cinders not consumed in Scotland.

XIII. That, during the continuance of the Duty payable in England on Malt, which determines the twenty-fourth Day of June, one thousand seven hundred and seven, Scotland shall not be charged with that Duty.

XIV. 'That the Kingdom of Scotland be not charged with any other Duties, laid on by the Parliament of England before the Union, except those consented to in this Treaty; in regard it is agreed, that all necessary Provision shall be made by the Parliament of Scotland, for the public Charge and Service of that Kingdom, for the Year one thousand seven hundred and seven; providing nevertheless, that, if the Parliament of England shall think fit to lay any further Impositions, by way of Custom, or such Excises, with which, by Virtue of this Treaty, Scotland is to be charged equally with England; in such Case, Scotland shall be liable to the same Customs and Excises, and have an Equivalent to be settled, by the Parliament of Great-Britain, with this further Provision,' That any Malt to be made and consumed in that Part of the united Kingdom now called Scotland, shall not be charged with any Imposition on Malt during this War. 'And seeing it cannot

be supposed, that the Parliament of Great Britain will ever lay any sort of Burthens upon the united Kingdom, but what they shall find of necessity, at that Time, for the Preservation and Good of the whole; and with due Regard to the Circumstances and Abilities of every Part of the united Kingdom; therefore, it is agreed, that there be no further Exemption insisted on for any Part of the united Kingdom, but that the Consideration of any Exemptions beyond what is already agreed on in this Treaty, shall be left to the Determination of the Parliament of Great Britain.

XV. 'That whereas by the Terms of this Treaty, the Subjects of Scotland, for preserving an Equality of Trade throughout the united Kingdom, will be liable to several Customs and Excises now payable in England, which will be applicable towards payment of the Debts of England, contracted before the Union; it is agreed, That Scotland shall have an Equivalent for what the Subjects thereof shall be so charged, towards Payment of the said Debts of England, in all Particulars whatsoever, in manner following, viz. That, before the Union of the said Kingdoms, the Sum of three hundred ninety-eight Thousand, and eighty-five Pounds ten Shillings, be granted to her Majesty by the Parliament of England, for the Uses after mentioned, being the Equivalent, to be answered to Scotland, for such Parts of the said Customs, and Excises upon all excisable Liquors, with which that Kingdom is to be charged upon the Union, as will be applicable to the Payment of the said Debts of England, according to the Proportions which the present Customs in Scotland, being thirty thousand Pounds per Annum, do bear to the Customs in England, computed at one Million, three hundred forty-one Thousand, five hundred and fifty-nine Pounds per Annum: And which the present Excises on excisable Liquors in Scotland, being thirty-three thousand and five hundred Pounds per Annum, do bear to the Excises on excisable Liquors in England, computed at nine hundred forty-seven Thousand, six hundred and two Pounds per Annum; which Sum of three hundred ninety-eight Thousand, eighty-five Pounds ten Shillings, shall be due and payable from the Time of the Union: And in regard, that, after the Union, Scotland becoming liable to the same Customs and Duties payable on Import and Export, and to the same Excises on all excisable Liquors, as in England, as well upon that Account, as upon the Account of the Increase of Trade and People, (which will be the happy Consequence of the Union) the said Revenues will much improve beyond the before-mentioned annual Values thereof, of which no present Estimate can be made; yet, nevertheless, for the Reasons



aforesaid, there ought to be a reasonable Equivalent answered to Scotland; it is agreed, That, after the Union, there shall be an Account kept of the said Duties arising in Scotland, to the end it may appear, what ought to be answered to Scotland, as an Equivalent for such Proportion of the said Increase, as shall be applicable to the Payment of the Debts of England. And for the further, and more effectual answering the several Ends hereafter mentioned, it is agreed, That, from and after the Union, the whole Increase of the Revenues of Customs, and Duties on Import and Export, and Excises upon excisable Liquors in Scotland, over and above the annual Produce of the said respective Duties, as above stated, shall go, and be applied, for the Term of seven Years, to the Uses hereafter mentioned, and that, upon the said Account, there shall be answered to Scotland, annually, from the end of seven Years after the Union, an Equivalent in Proportion to such Part of the said Increase, as shall be applicable to the Debts of England:’ And generally, that an Equivalent shall be answered to Scotland, for such Parts of the English Debts as Scotland may hereafter become liable to pay, by reason of the Union, other than such for which Appropriations have been made by Parliament in England, of the Customs or other Duties on Export and Import, Excises on all excisable Liquors, in respect of which Debts, Equivalents are herein before provided. ‘And as for the Uses to which the said Sum of three hundred ninety- eight Thousand, ‘eighty-five Pounds ten Shillings, to be granted as aforesaid, and all other Monies which are to be answered or allowed to Scotland, as said is, are to be applied, it is agreed, That, in the first place, out of the foresaid Sum, what Consideration shall be found necessary to be had for any Losses which private Persons may sustain, by reducing the Coin of Scotland, to the Standard and Value of the Coin of England, may be made good. In the next place, that the capital Stock, or Fund of the African and Indian Company of Scotland, advanced together with the Interest for the said capital Stock, after the Rate of 5 per Cent. per Annum, from the respective Times of the Payment thereof, shall be paid; upon Payment of which capital Stock and Interest, it is agreed, The said Company be dissolved and cease; and also, that, from the Time of passing the Act of Parliament in England, for raising the said Sum of three hundred ninety-eight Thousand, eighty-five Pounds ten Shillings, the said Company shall neither trade, nor grant Licence to trade, providing, That if the said Stock and Interest shall not be paid in twelve Months after the Commencement of the Union, that then the said Company may from thence forward trade, or give Licence to trade, until the said whole capital Stock and Interest shall be

paid. 'And as to the Overplus of the said Sum of three hundred ninety-eight Thousand, eighty-five Pounds ten Shillings, after Payment of what Consideration shall be had for Losses, in repairing the Coin, and paying the said capital Stock and Interest; and also the whole Increase of the said Revenues of Customs, Duties, and Excises, above the present Value, which shall arise in Scotland, during the said Term of seven Years, together with the Equivalent which shall become due, upon the Improvement thereof in Scotland after the said Term of seven Years: and also, as to all other Sums, which, according to the Agreements aforesaid, may become payable to Scotland, by way of Equivalent, for what that Kingdom shall hereafter become liable, towards Payment of the Debts of England; it is agreed, That the same may be applied in the manner following, viz. That all the public Debts of the Kingdom of Scotland, as shall be adjusted by the present Parliament, shall be paid: And that two thousand Pounds per annum, for the space of seven Years, shall be applied towards encouraging and promoting the Manufacture of coarse Wool, within those Shires which produce the Wool; and that the first two thousands Sterling be paid at Martumas next, and so yearly at Martinmas during the Space aforesaid. 'And afterwards the same shall be wholly applied towards the encouraging and promoting the Fisheries, and such other Manufactories and Improvements in Scotland, as may most conduce to the general good of the united Kingdom. And it is agreed, That her Majesty be empowered to appoint Commissioners, who shall be accountable to the Parliament of Great-Britain, for disposing the said Sum of three hundred ninety-eight thousand and eighty-five Pounds, ten Shillings; and all other Monies which shall arise to Scotland, upon the Agreements aforesaid, to the Purposes before mentioned: Which Commissioners shall be empowered to call for, receive, and dispose of the said Monies in Manner aforesaid; and to inspect the Books of the several Collectors of the said Revenues, and of all other Duties, from whence an Equivalent may arise, and that the Collectors and Managers of the said Revenues and Duties, be obliged to give to the said Commissioners, subscribed, authentic Abbreviates of the Produce of such Revenues and Duties arising in their respective Districts: And that the said Commissioners shall have their Office within the Limits of Scotland, and shall in such Office keep Books, containing Accounts of the Amount of the Equivalents, and how the same shall have been disposed of from time to time; which may be inspected by any of the Subjects who shall desire the same.

XVI. 'That, from and after the Union, the Coin shall be of the same Standard and Value throughout the united Kingdom, as now in England, and a Mint shall be continued in Scotland, under the same Rules as the Mint in England, and the present Officers of the Mint continued, subject to such Regulations and Alterations as her Majesty, her Heirs or Successors, or the Parliament of Great-Britain, shall think fit.

XVII. 'That, from and after the Union, the same Weights and Measures shall be used throughout the united Kingdom, as are now established in England; and Standards of Weights and Measures shall be kept by those Burghs in Scotland, to whom the keeping the Standards of Weights and Measures, now in use there, does of special Right belong. All which Standards shall be sent down to such respective Burghs, from the Standards kept in the Exchequer at Westminster, subject nevertheless to such Regulations as the Parliament of Great-Britain shall think fit.

XVIII. 'That the Laws concerning Regulation of Trade, Customs, and such Excises, to which Scotland is, by virtue of this Treaty, to be liable, be the same in Scotland, from and after the Union, as in England; and that all other laws in use, within the Kingdom of Scotland, do, after the Union, and notwithstanding thereof, remain in the same Force as before, (except such as are contrary to, or inconsistent with this Treaty) but alterable by the Parliament of Great-Britain, with this Difference betwixt the Laws concerning public Right, Polity, and Civil Government, and those which concern private Right; that the Laws which concern public Right, Polity, and Civil Government, may be made the same throughout the whole united Kingdom; but that no Alteration be made in Laws which concern private Right, except for evident Utility of the Subjects within Scotland.

XIX. 'That the Court of Session, or College of Justice, do, after the Union, and notwithstanding thereof, remain, in all time coming, within Scotland, as it is now constituted by the Laws of that Kingdom, and with the same Authority and Privileges, as before the Union, subject nevertheless to such Regulations for the better Administration of Justice, as shall be made by the Parliament of Great Britain; And that hereafter none shall be named by her Majesty and her Royal Successors, to be ordinary Lords of Session, but such who have served in the College of Justice as Advocates, or principal Clerks of Session for the Space of five Years; or as Writers to the Signet, for the Space of

ten Years; with this Provision, that no Writer to the Signet be capable to be admitted a Lord of the Session, unless he undergo a private and public Trial on the Civil Law before the Faculty of Advocates, and be found by them qualified for the said Office, two Years before he be named to be a Lord of the Session: Yet so, as the Qualification made, or to be made, for capacitating Persons to be named ordinary Lords of Session, may be altered by the Parliament of Great-Britain. 'And that the Court of Justiciary, do also, after the Union, and notwithstanding thereof, remain, in all time coming within Scotland, as it is now constituted by the laws of that Kingdom, and with the same Authority and Privileges as before the Union, subject nevertheless to such Regulations as shall be made by the Parliament of Great Britain, and without Prejudice of other Rights of Justiciary: And that all Admiralty-Jurisdictions be under the Lord High Admiral, or Commissioners for the Admiralty of Great-Britain, for the Time being; and that the Court of Admiralty, now established in Scotland, be continued, and that all Reviews, Reductions, or Suspensions of the Sentences in Maritime Cases, competent to the Jurisdiction of that Court, remain in the same Manner after the Union, as now in Scotland, until the Parliament of Great-Britain shall make such Regulations and Alterations, as shall be judged expedient for the whole united Kingdom, so as there be always continued in Scotland, a Court of Admiralty, such as in England, for Determination of all Maritime Cases relating to private Rights in Scotland, competent to the Jurisdiction of the Admiralty Court, subject nevertheless to such Regulations and Alterations, as shall be thought proper to be made by the Parliament of Great-Britain; and that the heritable Rights of Admiralty and Vice-admiralties in Scotland, be reserved to the respective Proprietors, as Rights of Property; subject nevertheless, as to the Manner of exercising such heritable Rights, to such Regulations and Alterations, as shall be thought proper to be made by the Parliament of Great-Britain; and that all other Courts now in being within the Kingdom of Scotland, do remain, but subject to Alterations by the Parliament of Great-Britain; and that all inferior Courts, within the said Limits, do remain subordinate, as they are now, to the supreme Courts of Justice within the same in all Time coming; and that no Causes in Scotland be cognizable by the Courts of Chancery, Queen's- Bench, Common-Pleas, or any other Court in Westminster-Hall; and that the said Courts, or any other of the like Nature, after the Union, shall have no Power to cognize, review, or alter the Acts or Sentences of the Judicatures within Scotland, to stop the Execution of the same. And that there be a Court of Exchequer in Scotland, after the

Union, for deciding Questions, concerning the Revenues of Customs and Excises there, having the same Power and Authority in such Cases, as the Court of Exchequer has in England; and that the said Court of Exchequer in Scotland have Power of passing Signatures, Gifts, Tutories, and in other Things, as the Court of Exchequer at present in Scotland hath; and that the Court of Exchequer that now is in Scotland, do remain until a new Court of Exchequer be settled by the Parliament of Great-Britain, in Scotland, after the Union; and that, after the Union, the Queen's Majesty, and her Royal Successors, may continue a Privy Council in Scotland. for preserving the public Peace and Order, until the Parliament of Great-Britain shall think fit to alter it, or establish any other effectual Method for that End.

XX. 'That all heritable Offices, Superiorities, heritable Jurisdictions, Offices for Life, and Jurisdictions for Life, be reserved for the Owners thereof, as Rights of Property, in the same Manner as they are now enjoyed by the Laws of Scotland, notwithstanding this Treaty.

XXI. 'That the Rights and Privileges of the Royal Boroughs in Scotland as they are, do remain entire after the Union, and notwithstanding thereof.

XXII. 'That by Virtue of this Treaty, of the Peers of Scotland, at the Time of the Union, sixteen shall be the Number to sit and vote in the House of Lords, and fortyfive the Number of the Representatives of Scotland in the House of Commons of the Parliament of Great Britain; and that, when her Majesty, her Heirs, or Successors, shall declare her or their Pleasure, for holding the first or any subsequent Parliament of Great-Britain, until the Parliament of Great-Britain shall make further Provision therein, a Writ do issue under the Great Seal of the united Kingdom, directed to the Privy-Council of Scotland, commanding them to cause sixteen Peers, who are to sit in the House of Lords, to be summoned to Parliament, and forty-five Members to be elected to sit in the House of Commons in the Parliament of Great-Britain, according to the Agreement in this Treaty, in such Manner as by an Act of this present Session of the Parliament of Scotland, is, or shall be settled;' Which Act is hereby declared to be as valid as if it were a Part of, and engrossed in this Treaty: 'And that the Names of the Persons so summoned and elected, shall be returned by the Privy- Council of Scotland, into the Court from

whence the said Writ did issue. And that, if her Majesty, on or before the first Day of May next, on which Day the Union is to take place, shall declare under the Great Seal of England, that it is expedient, that the Lords of Parliament of England, and Commons of the present Parliament of England, should be the Members of the respective Houses of the first Parliament of Great-Britain, for, and on the Part of England, then the said Lords of Parliament of England, and Commons of the present Parliament of England, shall be the Members of the respective Houses of the first Parliament of Great- Britain, for, and on the Part of England, And her Majesty may, by her Royal Proclamation, under the Great Seal or Great-Britain, appoint the said first Parliament of Great-Britain, to meet at such Time and Place as her Majesty shall think fit, which Time shall not be less than fifty Days after the Date of such Proclamation, and the Time and Place of the Meeting of such Parliament being so appointed, a Writ shall be immediately issued under the Great Seal of Great-Britain, directed to the Privy-Council of Scotland, for the summoning the sixteen Peers, and for electing forty-five Members, by whom Scotland is to be represented in the Parliament of Great-Britain: And the Lords of Parliament of England, and the sixteen Peers of Scotland, such sixteen Peers being summoned and returned in the Manner agreed in this Treaty; and the Members of the House of Commons of the said Parliament of England, and the forty five Members for Scotland, such forty-five Members being elected and returned in the Manner agreed in this Treaty, shall assemble and meet respectively, in their respective Houses of the Parliament of Great Britain, at such Time and Place as shall be so appointed by her Majesty, and shall be the Houses of the first Parliament of Great-Britain, and that Parliament may continue for such Time only as the present Parliament of England might have continued, if the Union of the two Kingdoms had not; been made, unless sooner dissolved by her Majesty: And that every one of the Lords of Parliament of Great-Britain, and every Member of the House of Commons of the Parliament of GreatBritain, in the first, and all succeeding Parliaments of GreatBritain, until the Parliament of Great-Britain shall otherways direct, shall take the respective Oaths of Allegiance and Supremacy, by an Act of Parliament made in England, in the first Year of the Reign of the late King William and Queen Mary, entitled, An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other Oaths, and make, subscribe, and audibly repeat the Declaration mentioned in an Act of Parliament made in England, in the thirtieth Year of the Reign of King Charles the Second, entitled, An Act for the more effectual preserving the King's Person and Government, by disabling

Papists from sitting in either House of Parliament, and shall take and subscribe the Oath mentioned in an Act of Parliament made in England, in the first Year of her Majesty's Reign, entitled, An Act to declare the Alterations in the Oath appointed to be taken by the Act, entitled, An Act for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, and for the declaring the Association, to be determined at such Time, and in such Manner, as the Members of both Houses of Parliament of England, are by the said respective Acts, directed to take, make, and subscribe the same, upon the Penalties and Disabilities in the said respective Acts contained. And it is declared and agreed, that these Words, this Realm, the Crown of this Realm, and the Queen of this Realm, mentioned in the Oaths and Declaration contained in the aforesaid Acts, which were intended to signify the Crown and Realm of England, shall be understood of the Crown and Realm of Great-Britain; and that in that Sense, the said Oaths and Declaration be taken and subscribed by the Members of both Houses of the Parliament of Great-Britain.

XXIII. 'That the aforesaid sixteen Peers of Scotland, mentioned in the last preceeding Article, to sit in the House of Lords of the Parliament of Great-Britain, shall have all Privileges of Parliament, which the Peers of England now have, and which they, or any Peers of Great- Britain, shall have after the Union; and particularly the Right of sitting upon the Tryals of Peers: And, in case of the Tryal of any Peer in time of Adjournment or Prorogation of Parliament, the said sixteen Peers shall be summoned in the same Manner, and have the same Powers and Privileges at such Tryals, as any other Peers of Great-Britain: And that, in case any Tryals of Peers shall hereafter happen, when there is no Parliament in being, the sixteen Peers of Scotland, who sat in the last preceding Parliament, shall be summoned in the same Manner, and have the same Powers and Privileges at such Tryals, as any other Peers of Great-Britain, and that all Peers of Scotland, and their Successors to their Honours and Dignities, shall, from, and after the Union, be Peers of Great-Britain, and have Rank and Precedency next, and immediately after the Peers of the like Orders and Degrees in England at the Time of the Union, and before all Peers of Great-Britain, of the like Orders and Degrees, who may be created after the Union, and shall be tried as Peers of Great Britain, and shall enjoy all Privileges of Peers as fully as the Peers of England do now, or as they or any other Peers

of Great-Britain may hereafter enjoy the same, except the Right and Privilege of sitting in the House of Lords, and the Privileges depending thereon, and particularly the right of sitting upon the Tryals of Peers.

XXIV. 'That, from and after the Union, there be one Great Seal for the united Kingdom of Great- Britain, which shall be different from the Great Seal now used in either Kingdom; and that the quartering the Arms,' and the Rank and Precedency of Lyon King of Arms of the Kingdom of Scotland, 'as may best suit the Union, be left to her Majesty: And that, in the mean Time, the Great Seal of England be used as the Great Seal of the united Kingdom, sealing Writs to elect and summon the Parliament of GreatBritain, and for sealing all Treaties with foreign Princes and States, and all public Acts, Instruments, and Orders of State, which concern the whole united Kingdom, and in all other Matters relating to England, as the Great Seal of England is now used; and that a Seal in Scotland, after the Union, be always kept, and made use of in all Things relating to private Rights or Grants, which have usually passed the Great Seal of Scotland, and which only concern Offices, Grants, Commissions, and private Rights within that Kingdom: And that, until such Seal shall be appointed by her Majesty, the present Great-Seal of Scotland shall be used for such Purposes: And that the Privy-Seal, Signet-Casset, Signet of the Justiciary Court, Quarter-Seal, and Seals of Courts now used in Scotland, be continued: But that the said Seals be altered and adapted to the State of the Union, as her Majesty shall think fit; and the said Seals, and all of them, and the Keepers of them, shall be subject to such Alterations as the Parliament of Great-Britain shall hereafter make:' And that the Crown, Scepter, and Sword of State, the Records of Parliament, and all other Records, Rolls and Registers whatsoever, both public and private, general and particular, and Warrants thereof, continue to be kept as they are, within that Part of the united Kingdom now called Scotland; and that they shall so remain in all Time coming, notwithstanding of the Union.

XXV. 'That all Laws and Statutes in either Kingdom, so far as they are contrary to, or inconsistent with the Terms of these Articles, or any of them, shall, from and after the Union, cease, and become void, and shall be so declared to be, by the respective Parliaments of the said Kingdoms.'



**2. Speech against the Union by John Hamilton, 2nd Lord Belhaven and Stenton, given to the Scottish Parliament in Edinburgh.<sup>147</sup>**

15<sup>th</sup> November 1706

My Lord Chancellor,

When I consider the Affair of an Union betwixt the two Nations, as it is expressed in the several Articles thereof, and now the Subject of our Deliberation at this Time; I find my Mind crouded with Variety of melancholy Thoughts, and I think it my Duty to disburden myself of some of them, by laying them before, and exposing them to the serious Consideration of this honourable House.

I think I see a free and independent Kingdom delivering up that, which all the World hath been fighting for since the Days of Nimrod; yea, that for which most of all the Empires, Kingdoms, States, Principalities, and Dukedoms of Europe, are at this time engaged in the most bloody and cruel Wars that ever were, to wit, a Power to manage their own Affairs by themselves, without the Assistance and Counsel of any other.

I think I see a national Church, founded upon a Rock, secured by a Claim of Right, hedged and fenced about, by the strictest and most pointed, legal Sanction that Sovereignty could contrive, voluntarily descending into a Plain, upon an equal Level with Jews, Papists, Socinians, Arminians, Anabaptists, and other Sectaries, &c.

I think I see the noble and honourable Peerage of Scotland, whose valiant Predecessors led Armies against their Enemies, upon their own proper Charges and Expences, now divested of their Followers and Vassalages, and put upon such an equal Foot with their Vassals, that I think I see a petty English Exciseman receive more Homage and Respect than what was paid formerly to their quondam Mackallamores.

I think I see the present Peers of Scotland, whose noble Ancestors conquered Provinces, over-run Countries, reduced and subjected Towns and fortified Places, exacted Tribute through the greatest Part of England, now walking in the Court of Requests like so many English Attorneys, laying aside their Walking Swords when in Company with the English Peers, lest their Self-defence should be found Murder.

I think I see the honourable Estate of Barons, the bold Assertors of the Nation's Rights and Liberties in the worst of Times, now setting a Watch upon their Lips, and a Guard upon their Tongues, lest they be found guilty of Scandalum Magnatum.

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<sup>147</sup> This speech can be found on the *International Relations And Security Network* at <http://www.isn.ethz.ch/isn/Digital-Library/Primary-Resources/Detail/?id=24795&lng=en> (accessed on 11/09/09).

I think I see the Royal State of Boroughs walking their desolate Streets, hanging down their Heads under Disappointmen, wormed out of all the Branches of their old Trade, uncertain what Hand to turn to, necessitate to become 'Prentices to their unkind Neighbours; and yet after all, finding their Trade so fortified by Companies, and secured by Prescriptions, that they despair of any Success therein. I think I see our learned Judges laying aside their Practiques and Decisions, studying the Common Law of England, gravelled with Certioraries, Nisi Prius's, Writs of Error, Verdicts Indovar, Ejectione Firmae, Injunctions, Demurs, &c. and frighted with Appeals and Avocations, because of the new Regulations and Rectifications they may meet with.

I think I see the valiant and gallant Soldiery either sent to learn the Plantation-Trade abroad; or at home petitioning for a small Subsistance, as a Reward of their honorable Exploits; while their old Corps are broken, the common Soldiers left to beg, and the youngest English Corps kept standing.

I think I see the honest industrious Tradesman loaded with new Taxes and Impositions, disappointed of the Equivalents, drinking Water in place of Ale, eating his saltless Pottage, petitioning for Encouragement to his Manufactures, and answered by Counter-Petitions.

In short, I think I see the laborious Ploughman, with his Corn spoiling upon his Hands, for want of Sale, cursing the Day of his Birth, dreading the Expence of his Burial, and uncertain whether to marry or do worse.

I think I see the incurable Difficulties of the Landed Men, fettered under the golden Chain of Equivalents, their pretty Daughters petitioning for want of Husbands, and their Sons for want of Employment.

I think I see our Mariners delivering up their Ships to their Dutch Partners; and what through Presses and Necessity, earning their Bread as Underlings in the royal English Navy.

But above all, my Lord, I think I see our ancient Mother Caledonia, like Cæsar, sitting in the midst of our Senate, ruefully looking round about her, covering herself with her royal Garment, attending the fatal Blow, and breathing out her last with an *Et tu quoque mi fili*.

Are not these, my Lord, very afflicting Thoughts? And yet they are but the least Part suggested to me by these dishonourable Articles. Should not the Consideration of these Things vivify these dry Bones of ours? Should not the Memory of our noble

Predecessors Valour and Constancy rouze up our drooping Spirits? Are our noble Predecessors Souls got so far into the English Cabbage-stock and Colliflowers, that we should shew the least Inclination that way? Are our Eyes so blinded? Are our Ears so deafned? Are our Hearts so hardened? Are our Tongues so faltered? Are our Hands so settered, that in this our Day, I say, my Lord, that in this our Day, we should not mind the Things that concern the very Being and Well-being of our ancient Kingdom, before the Day be hid from our Eyes?

No, my Lord, God forbid! Man's Extremity is God's Opportunity: He is a present Help in time of need, and a Deliverer, and that right early. Some unforeseen Providence will fall out, that may cast the Balance; some Joseph or other will say, Why do ye strive together, since you are Brethren? None can destroy Scotland, save Scotland itself; hold your Hands from the Pen, you are secure. Some Judah or other will say, Let not our Hands be upon the Lad, he is our Brother. There will be a Jehovah Jireh, and some Rem will be caught in the Thicket, when the bloody Knife is at our Mother's Throat. Let us up then, my Lord, and let our noble Patriots behave themselves like Men, and we know not how soon a Blessing may come.

My Lord, I wish from my Heart, that this my Vision prove not as true as my Reasons for it are probable: I design not at this Time to enter into the Merits of any one particular Article; I intend this Discourse, as an Introduction to what I may afterwards say upon the whole Debate, as it falls in before this honourable House; and therefore, in the farther Prosecution of what I have to say, I shall insist upon few Particulars, very necessary to be understood, before we enter unto the Detail of so important a Matter.

I shall therefore, in the first Place, endeavour to encourage a free and full Deliberation, without Animositities and Heats: In the next Place, I shall endeavour to make an Enquiry into the Nature and Source of the unnatural and dangerous Divisions that are now on foot within this Isle, with some Motives shewing, that it is our Interest to lay them aside at this Time: Then I shall enquire into the Reasons, which have induced the two Nations to enter into a Treaty of Union at this Time, with some Considerations and Meditations, with relation to the Behaviour of the Lords Commissioners of the two Kingdoms, in the Management of this great Concern. And lastly, I shall propose a Method, by which we shall most distinctly, and without Confusion, go through the several Articles of this Treaty, without unnecessary

Repetitions or loss of Time. And all this with all Deference, and under the Correction of this honourable House.

My Lord Chancellor, the greatest Honour that was done unto a Roman, was to allow him the Glory of a Triumph; the greatest and most dishonourable Punishment, was that of Parricide: He that was guilty of Parricide, was beaten with Rods upon his naked Body, till the Blood gushed out of all the Veins of his Body; then he was sewed up in a leathern Sack, called a Culeus, with a Cock, a Viper, and an Ape, and thrown headlong into the Sea.

My Lord, Patricide is a greater Crime than Parricide, all the World over.

In a Triumph, my Lord, when the Conqueror was riding in his triumphal Chariot, crowned with Laurels, adorned with Trophies, and applauded with Huzza's, there was a Monitor appointed to stand behind him, to warn him, not to be high-minded, not puffed up with over-weening Thoughts of himself; and to his Chariot were tied a Whip and a Bell, to mind him, that for all his Glory and Grandeur, he was accountable to the People for his Administration, and would be punished as other Men, if found guilty.

The greatest Honour amongst us, my Lord, is to represent the Sovereign's sacred Person in Parliament; and in one Particular it appears to be greater than that of a Triumph; because the whole legislative Power seems to be wholly entrusted with him: If he give the royal Assent to an Act of the Estates, it becomes a Law obligatory upon the Subject, tho' contrary or without any Instructions from the Sovereign: If he refuse the royal Assent to a Vote in Parliament, it cannot be a Law, tho' he has the Sovereign's particular and positive Instructions for it.

His Grace the Duke of Queensbary, who now represents her Majesty in this Session of Parliament, hath had the Honour of that great Trust, as often, if not more than any Scotchman ever had: He hath been the Favourite of two successive Sovereigns; and I cannot but commend his Constancy and Perseverance, that, notwithstanding his former Difficulties and unsuccessful Attempts, and maugre some other Specialities not yet determined, that his Grace has yet had the Resolution to undertake the most unpopular Measures last. If his Grace succeed in this Affair of an Union, and that it prove for the Happiness and Welfare of the Nation, then he justly merits to have a Statue of Gold erected for himself; but if it shall tend to the entire Destruction and Abolition of our Nation; and that we the Nation's Trustees will go into it; then I must say, that a Whip

and a Bell, a Cock and a Viper, and an Ape, are but too small Punishments for any such bold unnatural Undertaking and Complaisance.

That I may pave a Way, my Lord, to a full, calm, and free reasoning upon this Affair, which is of the last Consequence unto this Nation; I shall mind this honourable House, that we are the Successors of our noble Predecessors, who founded our Monarchy, framed our Laws, amended, altered, and corrected them from time to time, as the Affairs and Circumstances of the Nation did require, without the Assistance or Advice of any foreign Power or Potentate, and who, during the Time of 2000 Years, have handed them down to us a free independent Nation, with the Hazard of their Lives and Fortunes: Shall not we then argue for that which our Progenitors have purchased for us at so dear a Rate, and with so much immortal Honour and Glory? God forbid. Shall the Hazard of a Father unbind the Ligaments of a dumb Son's Tongue; and shall we hold our Peace, when our Patria is in danger? I speak this, my Lord, that I may encourage every individual Member of this House, to speak their Mind freely. There are many wise and prudent Men amongst us, who think it not worth their while to open their Mouths; there are others, who can speak very well, and to good Purpose, who shelter themselves under the shameful Cloak of Silence, from a Fear of the Frowns of great Men and Parties. I have observed, my Lord, by my Experience, the greatest Number of Speakers in the most trivial Affairs; and it will always prove so, while we come not to the right understanding of the Oath de fideli, whereby we are bound not only to give our Vote, but our faithful Advice in Parliament, as we should answer to God; and in our ancient Laws, the Representatives of the honourable Barons, and the royal Boroughs are termed Spokesmen. It lies upon your Lordships therefore particularly to take notice of such, whose Modesty makes them bashful to speak. Therefore I shall leave it upon you, and conclude this Point with a very memorable Saying of an honest private Gentleman to a great Queen, upon occasion of a State- Project, contrived by an able Statesman, and the Favourite to a great King, against a peaceful, obedient People, because of the Diversity of their Laws and Constitutions. If at this time thou bold thy peace, Salvation shall come to the People from another Place, but thou and thy House shall perish. I leave the Application to each particular Member of this House.

My Lord, I come now to consider our Divisions. We are under the happy Reign (blessed be God) of the best of Queens, who has no evil Design against the meanest of her Subjects, who loves all her People, and is equally beloved by them again; and yet that

under the happy Influence of our most excellent Queen there should be such Divisions and Factions, more dangerous and threatening to her Dominions, than if we were under an arbitrary Government, is most strange and unaccountable. Under an arbitrary Prince, all are willing to serve because all are under a Necessity to obey, whether they will or not. He chuses therefore whom he will, without respect to either Parties or Factions; and if he think fit to take the Advices of his Councils or Parliaments, every Man speaks his Mind freely, and the Prince receives the faithful Advice of his People without the Mixture of Self- Designs: If he prove a good Prince, the Government is easy; if bad, either Death or a Revolution brings a Deliverance: Whereas here, my Lord, there appears no end of our Misery, if not prevented in time; Factions are now become independent, and have got footing in Councils, in Parliaments, in Treaties, in Armies, in Incorporations, in Families, among Kindred, yea, Man and Wife are not free from their political Jars.

It remains therefore, my Lord, that I enquire into the Nature of these Things, and since the Names give us not the right idea of the thing, I am afraid I shall have difficulty to make my self well understood.

The Names generally used to denote the Factions, are Whig, and Tory, as obscure as that of Guelfs and Gibelins: Yea, my Lord, they have different Significations, as they are applied to Factions in each Kingdom; a Whig in England is a heterogeneous Creature, in Scotland he is all of a piece; a Tory in England is all of a piece, and a Statesman; in Scotland, he is quite otherwise, an Anti- courtier and Antistatesman.

A Whig in England appears to be somewhat like Nebuchadnezzar's Image, of different Metals, different Classes, different Principles, and different Designs; yet take them altogether, they are like a piece of fine mixed Drugget of different threads, some finer, some coarser, which after all make a comely Appearance, and an agreeable Suit. Tory is like a Piece of loyal, Home-made English Cloth, the true Staple of the Nation, all of a Thread; yet if we look narrowly into it, we shall perceive diversity of Colours, which, according to the various Situations and Positions, make various Appearances: sometimes Tory is like the Moon in its full, as appeared in the Affair of the Bill of Occasional Conformity; upon other occasions it appears to be under a Cloud, and as if it were eclipsed by a greater Body, as it did in the Design of calling over the illustrious Princess Sophia. However, by this we may see their Designs are to outshoot Whig in his own Bow.

Whig in Scotland is a true-blue Presbyterian, who, without considering Time or Power, will venture their All for the Kirk: but something less for the State. The greatest difficulty is, how to describe a Scots Tory: Of old, when I knew them first, Tory was an honest hearted comradish Fellow, who provided he was maintained and protected in his Benefices, Titles and Dignities by the State, he was the less anxious who had the Government and Management of the Church: But now what he is since jure Divino came in fashion; and that Christianity, and, by consequence, Salvation comes to depend upon Episcopal Ordination, I profess I know not what to make of him; only this I must say for him, that he endeavours to do by Opposition, that which his Brother in England endeavours by a more prudent and less scrupulous Method.

Now, my Lord, from these Divisions, there has got up a kind of Aristocracy, something like the famous Triumvirate at Rome; they are a kind of Undertakers and Pragmatic Statesmen, who, finding their Power and Strength great, and answerable to their Designs, will make Bargains with our gracious Sovereign; they will serve her faithfully, but upon their own Terms; they must have their own Instruments, their own Measures; this Man must be turned out, and that Man put in, and then they will make her the most glorious Queen in Europe.

Where will this end, my Lord? Is not her Majesty in Danger by such a Method? Is not the Monarchy in Danger? Is not the Nation's Peace and Tranquillity in Danger? Will a Change of Parties make the Nation more happy? No, my Lord, the Seed is sown, that is like to afford us a perpetual Increase; it's not an annual Herb, it takes deep root, it seeds and breeds; and if not timely prevented by her Majesty's Royal Endeavours, will split the whole Island in two.

My Lord, I think, considering our present Circumstances at this Time, the Almighty God has reserved this great Work for us. We may bruise this Hydra of Division, and crush this Cockatrice's Egg. Our Neighbours in England, are not yet fitted for any such Thing; they are not under the afflicting Hand of Providence, as we are; their Circumstances are great and glorious, their Treaties are prudently managed, both at Home and Abroad, their Generals brave and valorous, their Armies successful and victorious, their Trophies and Laurels memorable and surprising; their Enemies subdued and routed, their strong Holds besieged and taken, Sieges relieved, Marshals killed and taken Prisoners, Provinces and Kingdoms are the Results of their Victories; their Royal Navy is the Terror of Europe, their Trade and Commerce extended through

the Universe, encircling the whole habitable World, and rendering their own capital City the Emporium for the whole Inhabitants of the earth: And which is yet more than all these Things; the Subjects freely bestowing their Treasure upon their Sovereign; and above all, these vast Riches, the Sinews of War, and without which all the glorious Success had proved abortive, these Treasures are managed with such Faithfulness and Nicety, that they answer seasonably all their Demands, tho' at never so great a Distance. Upon these Considerations, my Lord, how hard and difficult a Thing will it prove, to persuade our Neighbours to a Self-denying Bill.

Tis quite otherwise with us, my Lord, we are an obscure, poor People, tho' formerly of better Account, removed to a remote Corner of the World, without Name, and without Alliances, our Posts mean and precarious; so that I profess I don't think any one Post in the Kingdom worth the braving after, save that of being Commissioner to a long Session of a factious Scots Parliament, with an antedated Commission, and that yet renders the rest of the Ministers more miserable. What hinders us then, my Lord, to lay aside our Divisions, to unite cordially and heartily together in our present Circumstances, when our All is at Stake? Hannibal, my Lord, is at our Gates, Hannibal is come within our Gates, Hannibal is come the length of this Table, he is at the Foot of this Throne, he will demolish this Throne; if we take not notice, he'll seize upon these Regalia, he'll take them as our spolia opima, and whip us out of this House, never to return again.

For the Love of God then, my Lord, for the Safety and Welfare of our ancient Kingdom, whose sad Circumstances, I hope, we shall yet convert into Prosperity and Happiness! We want no Means, if we unite; God blessed the Peace-makers; we want neither Men, nor sufficiency of all manner of things necessary; to make a Nation happy; all depends upon Management; Concordia res parvæ crescunt. I fear not these Articles, tho' they were ten times worse than they are; if we once cordially forgive one another, and that, according to our Proverb, Bygones be Bygones, and Fairplay for Time to come. For my Part, in the Sight of God, and in the Presence of this honourable House, I heartily forgive every Man, and beg, that they may do the same to me; and I do most humbly propose, that his Grace my Lord Commissioner may appoint an Agape, may order a Love-feast for this honourable House, that we may lay aside all Self-designs, and, after our Fasts and Humiliations, may have a Day of Rejoicing and Thankfulness, may eat our Meat with Gladness, and our Bread with a merry Heart; then shall we sit each Man



under his own Fig-tree, and the Voice of the Turtle shall be heard in our Land, a Bird famous for Constancy and Fidelity.

My Lord, I shall make a Pause here, and stop going on farther in my Discourse, till I see further, if his Grace, my Lord Commissioner, receive any humble Proposals for removing Misunderstandings among us, and putting an end to our fatal Divisions: upon Honour, I have no other Design, and I am content to beg the Favour upon my bended Knees.

[No answer]

My Lord Chancellor, I am sorry that I must pursue the Thread of my sad and melancholy Story: What remains, I am afraid may prove as afflicting as what I have said; I shall therefore consider the Motives which have engaged the two Nations to enter upon a Treaty of Union at this Time. In general, my Lord, I think both of them had in their View to better themselves by the Treaty; but, before I enter upon the particular Motives of each Nation, I must inform this honourable House, that, since I can remember, the two Nations have altered their sentiments upon that Affair, even almost to down-right Contradiction, they have changed Head-bands, as we say; for England, till of late, never thought it worth their Pains of treating with us; the good Bargain they made at the Beginning they resolve to keep, and that which we call an incorporating Union, was not so much as in their Thoughts. The first Notice they seemed to take of us, was in our Affair of Caledonia, when they had most effectually broke off that Design, in a Manner very well known to the World, and unnecessary to be repeated here; they kept themselves quiet during the Time of our Complaints upon that head. In which Time our Sovereign, to satisfy the Nation, and allay their Heats, did condescend to give us some good Laws, and amongst others that of personal Liberties; but England having declared their Succession, and extended their Entail, without ever taking Notice of us, our gracious Sovereign Queen ANN, was graciously pleased to give the Royal Assent to our Act of Security, to that of Peace and War after the Decease of her Majesty, and the Heirs of her Body, and to give us a Hedge to all our sacred and civil Interests, by declaring it High Treason to endeavour the Alteration of them, as they were then established. Thereupon did follow the threatning and minatory Laws against us by the Parliament of England, and the unjust and unequal Character of what her Majesty had so graciously condescended to in our Favours. Now, my Lord, whether the Desire they had to have us engaged in the same Succession with them; or whether they found us, like a free and

independent People, breathing after more Liberty than what formerly was looked after; or whether they were afraid of our Act of Security, in case of her Majesty's Decease; Which of all these Motives has induced them to a Treaty, I leave it to themselves. This I must say only, they have made a good Bargain this Time also.

For the particular Motives that induced us, I think they are obvious to be known; we found, by sad Experience, that every Man hath advanced in Power and Riches, as they have done in Trade; and at the same time considering, that no where through the World, Slaves are found to be rich, tho' they should be adorned with Chains of Gold; we thereupon changed our Notion of an incorporating Union, to that of a federal one; and, being resolved to take this Opportunity to make Demands upon them, before we enter into the Succession, we were content to empower her Majesty to authorize and appoint Commissioners to treat with the Commissioners of England, with as ample Powers as the Lords Commissioners from England had from their Constituents, that we might not appear to have less Confidence in her Majesty, nor more Narrow-heartedness in our Act, than our Neighbours of England: And thereupon last Parliament, after her Majesty's gracious Letter was read, desiring us to declare the Succession in the first Place, and afterwards to appoint Commissioners to treat, we found it necessary to renew our former Resolve, which I shall read to this honourable House:

"That this Parliament will not proceed to the Nomination of a Successor, till we have had a previous Treaty with England, in relation to our Commerce, and other Concerns with that Nation. And further it is Resolved, that this Parliament will proceed to make such Limitations and Conditions of Government, for the Rectification of our Constitution, as may secure the Liberty, Religion, and Independency of this Kingdom, before they proceed to the said Nomination."

Now, my Lord, the last Session of Parliament having, before they would enter into any Treaty with England, by a Vote of the House passed both an Act for Limitations, and an Act for Rectification of our Constitution, what mortal Man has Reason to doubt the Design of this Treaty was only federal?

My Lord Chancellor, It remains now, that we consider the Behaviour of the Lords Commissioners at the opening of this Treaty: And, before I enter upon that, allow me to make this Meditation; that, if our Posterity, after we are all dead and gone, shall find themselves under an ill-made Bargain, and shall have Recourse unto our Records, and see who have been the Managers of that Treaty, by which they have suffered so much:

When they read the Names, they will certainly conclude, and say, Ah! our Nation has been reduced to the last Extremity, at the Time of this Treaty; all our great Chieftains, all our great Peers and considerable Men, who used formerly to defend the Rights and Liberties of the Nation, have been all killed and dead in the Bed of Honour, before ever the Nation was necessitate to condescend to such mean and contemptible Terms: Where are the Names of the chief Men, of the noble Families of Stewarts, Hamiltons, Grahams, Campbels, Gordons, Johnstons, Humes, Murrays, Kers, &c? Where are the two great Officers of the Crown, the Constables and Marshals of Scotland? They have certainly all been extinguished, and now we are Slaves for ever.

Whereas the English Records will make their Posterity reverence the Memory of the honourable Names, who have brought under their fierce, warlike and troublesome Neighbours, who had struggled so long for Independency, shed the best Blood of their Nation, and reduced a considerable part of their Country, to become waste and desolate.

I am informed, my Lord, that our Commissioners did indeed frankly tell the Lords-Commissioners for England, that the Inclinations of the People of Scotland were much altered of late, in relation to an incorporating Union; and that therefore, since the Entail was to end with her Majesty's Life (whom GOD long preserve) it was proper to begin the Treaty upon the Foot of the Treaty of 1604 Year of GOD; the time when we came first under one Sovereign: But this the English Commissioners would not agree to; and our Commissioners, that they might not seem obstinate, were willing to treat and conclude in the Terms laid before this honourable House, and subjected to their Determination.

If the Lords-Commissioners for England had been as civil and complaisant, they should certainly have finished a federal Treaty likewise, that both Nations might have the choice, which of them to have gone into, as they thought fit; but they would hear of nothing but an entire and compleat Union, a Name which comprehends an Union, either by Incorporation, Surrender, or Conquest; whereas our Commissioners thought of nothing but a fair, equal, incorporating Union. Whether this be so, or no, I leave it to every Man's Judgment; but as for myself, I must beg liberty to think it no such thing: for I take an incorporating Union to be, where there is a Change both in the material and formal Points of Government, as if two Pieces of Metal were melted down into one Mass, it can neither be said to retain its former Form or Substance as it did before the Mixture. But now, when I consider this Treaty, as it hath been explained and spoke to, before us this three Weeks by past, I see the English Constitution remaining firm, the same two

Houses of Parliament, the same Taxes, the same Customs, the same Excises, the same trading Companies, the same municipal Laws and Courts of Judicature; and all ours either subject to Regulations or Annihilations, only we have the Honour to pay their old Debts, and to have some few Persons present, for Witnesses to the Validity of the Deed, when they are pleased to contract more.

Good God! What, is this an entire Surrender!

My Lord, I find my Heart so full of Grief and Indignation, that I must beg Pardon not to finish the last Part of my Discourse, that I may drop a Tear, as the Prelude to so sad a Story.

My Lord Chancellor, What I am now to say, relates to the Method of Proceeding in this weighty Affair: I hear it proposed by a noble Member of the other Side, that we should proceed in the same Order as the Lords-CommissionersTreaters did. In my humble Opinion, my Lord, it is neither the natural Method, nor can it be done without great Confusion and Repetition. To say, you'll agree to the Union of the two Kingdoms, before you agree in the Terms upon which they are to be united, seems like driving the Plough before the Oxen. The Articles, which narrate the Condition seem to be the Premisses upon which the Conclusion is inferred; and, according as they are found good or bad, the Success will follow. When a Man is married to a Fortune in England, as they call it, I suppose he is satisfy'd with the Thing before he determines himself to marry; and the Proposal I have heard of agreeing to the first Article, with a Proviso, That if the rest of the Articles shall be found satisfactory, and no otherwise, is of a Piece with the rest, and looks like beating the Air, and no ways consistent with fair and square Dealings. Besides, my Lord, if we were to go upon the first Article; are not all the rest of the Articles, besides many others not contained in the Articles, valid Arguments either Pro or Con. against concluding or not concluding the first Article? And no Vote in this House can hinder a Man from making use of what Arguments he thinks fit. Moreover, the searching the Records, and the revising the Statute-Books, comparing the Book of Rates, Customs, Excise, Taxes, of both Nations one with another, must all be previously considered ere we determine our selves in one single Article; add to this, that the prohibitory Clause with Relation to the Trade of both Nations, must be adjusted, left like *Æsop's Dog*, we lose the old, in grasping at the new; the State of the English Companies must also be exposed, how far we shall have Liberty into them, and what Advantage we may propose to ourselves, by trading to these Places where they are secured; and above

all, my Lord, the Security of our national Church, and all that's dear unto us, must be previously established to us, if practicable, before we conclude the first Article.

Therefore, my Lord, though my particular Opinion be, though we had a Cart-blanch from England; yet the delivering up of our Sovereignty, gives back with one Hand, what we receive with the other, and that there can be no Security without the Guarantee of a distinct Independency betwixt the Parties treating: Yet, my Lord, for further Satisfaction to this honourable House, that every Member may fully satisfy himself, I humbly propose, that, passing by the first three Articles, which appear to be much of a Piece, we begin the fourth Article of the Treaty; and if I be seconded in this, I desire it may be put to the Question.

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